

**CITY OF VERO BEACH, FLORIDA  
OCTOBER 24, 2023 9:30 A.M.  
REGULAR CITY COUNCIL MINUTES  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Pastor Jim Gallagher of Calvary Chapel of Vero Beach gave the invocation.

**PRESENT:** John Carroll, Mayor; Linda Moore, Vice Mayor; Tracey Zudans, Councilmember; John Carroll, Councilmember and Rey Neville, Councilmember **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

**1. CALL TO ORDER**

**A. Pledge of Allegiance**

Mayor Cotugno led the Council and the audience in the Pledge of Allegiance to the flag.

**B. Roll Call**

The City Clerk performed the roll call.

**2. PRELIMINARY MATTERS**

**A. Approval of Minutes**

**1. Regular City Council Minutes – October 10, 2023**

**Vice Mayor Moore made a motion to approve the October 10, 2023 minutes. Mr. Neville seconded the motion and it passed unanimously.**

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

Mayor Cotugno referred to items 11 D-1, 2, and 3, located under Mr. Carroll's matters and requested that they be moved up on the agenda and discussed under Old Business allowing the public to comment on these items.

Mr. Carroll had no problem with that request.

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

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

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

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

- A) Water Treatment Plant Generator Replacement Final Pay – Bid 220-22 – Paragon Electric of Vero, Inc.**
- B) Commercial Lease Agreement between City of Vero Beach and Beacon Sales Acquisition, Inc.; Memorandum of Lease for Recording Purposes**

Mr. Falls reported that this agreement is a modification for a company that has had some name changes. He said it is basically the same company as before in regards to lease terms. They did find after reviewing the agreement yesterday the environmental report was not signed and sealed. They have commissioned a new environmental report for the lease sight and request that Council acts on this agreement today subject to the clean environmental report coming back. They don't anticipate any problems and once they get the clean report back they don't want to have to bring it to Council again.

Mr. Carroll stated the environmental report is missing part of the lots that were included in the lien. He said they were parcels 45A and 46.

**Mr. Carroll made a motion to approve item 3-B) on the consent agenda with the inclusion of an updated environmental assessment that includes both lots 46 and 45A that is signed and sealed. Mrs. Zudans seconded the motion and it passed unanimously.**

- C) Acceptance of JAGD Program Funds (\$2,681.00)**
- D) Softening Tank No. 4 Repairs Bid Award**

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

**4. PUBLIC HEARINGS**

**A) ORDINANCES**

- 1) An Ordinance of the City of Vero Beach, Florida, 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; Providing for Codification; Providing for Conflict and Severability; Providing for the Correction of Scrivener's Errors; and Providing for an Effective Date. – Requested by the Public Work's Department**

The City Clerk read the Ordinance by title only.

Mr. Falls reported in Solid Waste there are 24 positions and the City is experiencing some labor shortages of up to six (6) open positions, which is a quarter of Mr. Mitt's staff. He said looking at the wage rates for Solid Waste compared to other cities the Public Works

Director and Human Resource Director entered into a memorandum of understanding with the Bargaining Unit to bring the Collector position in Solid Waste up to the level of the Grounds Maintenance position for Public Works, which would be a 8.48% increase. In order to maintain the spread between the additional positions in Solid Waste they want to raise the salaries accordingly then to allow for a signing bonus, which would hopefully entice more people to come in and take those positions and then not jump ship at the first open position. In order to do this it would require a rate increase of 5.23% which would mean the residential twice per week garbage collection, plus once per week yard service would go from \$16.98 to \$17.87. He said there are not many places that offer twice weekly pickup in the local area. The Town of Indian River Shores has twice weekly garbage pickup, but no lawn service and their rates are \$29.34 and the City of Ft. Pierce has twice a week garbage and once a week yard waste at a charge of \$22.14. He asked Council to adopt this Ordinance.

Mr. Neville commented that this should have been done a long time ago. He knows how hard these garbage collectors work.

Mayor Cotugno opened and closed the public hearing at 9:39 a.m., with no one wishing to be heard.

**Mr. Neville made a motion to approve the Ordinance. Vice Mayor Moore seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.**

## **B) RESOLUTIONS**

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning the City's Interest in Easements Encumbering the Real Property located at 2606 Paloma Drive, Block 24 of Royal Park, Plat No. 7, Vero Beach, Indian River County, Florida; being further described in Exhibit A; Providing for an Effective Date. – Requested by the Public Works/Engineering Department**

The City Clerk read the Resolution by title only.

Mr. Falls reported that an application was received for consideration to release the existing utility easements on Block 24, at 2606 Paloma Drive. The review form was routed to the various City Departments and outside utility companies for comments and all responses were favorable to releasing the easement. He requested adoption of the Resolution.

Mayor Cotugno opened and closed the public hearing at 9:41 a.m., with no one wishing to be heard.

**Mrs. Zudans made a motion to adopt the Resolution. Vice Mayor Moore seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.**

**2) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement Extension with the Florida Department of Transportation for a Project entitled “Rehabilitate Taxiway “B” (FDOT #425751-1-94-01); Providing for an Effective Date. – Requested by the Airport**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the project for the design for the rehabilitation of Taxiway B pavement surface, received a grade of 59 in pavement condition. The City Council approved the Florida Department of Transportation (FDOT) Public Transportation Grant Agreement (PTGA) to fund a portion of the design project on February 1, 2022, and it was fully executed. The Federal portion of the project funding was delayed, but ultimately approved on June 20, 2023. Once all funding was in place, the Airport started working with the consultant to issue a work order for design. Because of the delay in obtaining Federal funds, this design project will not be completed before the December 31, 2023, existing deadline and staff has coordinated with FDOT to secure a one-year extension, which will extend the project funding deadline to December 31, 2024. Staff recommends approval of the Resolution to accept the FDOT Public Transportation Grant Agreement.

Mayor Cotugno opened and closed the public hearing at 9:22 a.m., with no one wishing to be heard.

**Vice Mayor Moore made a motion to approve the Resolution. Mrs. Zudans seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.**

**3) A Resolution of the City Council of Vero Beach, Florida, Establishing an Inventory List of All Real Property within its jurisdiction to which the City holds fee simple title that is appropriate for use as Affordable Housing pursuant to Section 166.0451, Florida Statutes; and Providing for an Effective Date. – Requested by the Planning Department**

The City Clerk read the Resolution by title only.

Mr. Jason Jeffries, Planning Director, reported that as required by Florida Statute 166.0451, the City must prepare an inventory list of all real property, which the City holds fee simple title and which are appropriate for use of affordable housing. The City must make the inventory list publicly available on its website to encourage the development of affordable housing. Staff reviewed the list of publicly owned lands to determine the best use of the parcels taking into consideration whether they are needed for public purposes or economic development, site characterization, and environmental factors. In addition, staff assessed the history of each property to determine whether the parcels are subject to the City Charter. As a result of this review staff has completed the inventory list. The inventory list includes the address, legal description and/or parcel control number and assessed property value. It

specifies whether the property is vacant or improved and provides staff's recommendation for use and or disposition. Adoption of this Resolution will declare the properties in the inventory list to be suitable for affordable housing purposes. Staff worked with the City GIS Department to identify all the properties in the City. He referred to the map outlining where these City properties were located and they were color coated, which showed on the map what facility they are. Each property was described by the Planning Director. The site at 34<sup>th</sup> Avenue at Atlantic Boulevard is vacant, and Airport landscaping and signage is located on both parcels and it consists of 0.55 acre. The land at 27<sup>th</sup> Avenue at Atlantic Boulevard is vacant, platted as a City park and is 0.21 acre. The land at 1330 Old Dixie Highway is vacant, was the Old City Nursery and is listed in the City Charter. It consists of 14.54 acres.

Mr. Jeffries briefly went over where the Live Local Act was superseding their regulations, which mainly apply to industrial zoned properties. If it is residential or commercial zoned the property can be developed at the highest density in the City and the building height can be at whatever is the highest height limit within one (1) mile of the location. In their case most of the City's height limitation is 35 feet.

Vice Mayor Moore asked if it was up to the City Council to approve this list of surplus property and are these the only ones that would be subject to the Live Local Act. Mr. Jeffries believed that was correct. He said on some of these properties there are grant assurances and FAA approval would be necessary and they are not likely to be approved.

Mr. Turner explained this is all new to everyone. He said they are trying to take this step by step. What they decide will be designated for appropriate affording housing and will be on the City website.

Mr. Jeffries made it clear that each one of these pieces of property have some issues. He said with the old City Nursery property it is listed in the City Charter; it has some wetlands on it; it is adjacent to the Florida East Coast Railway (FEC) railroad and is across the street from the City Cemetery.

Mr. Falls reminded Council that there is a leased portion of the Old Nursery property to the County for the communications tower. They also will be entertaining a location for a small leased area for FDOT in order to swap out some land near the Alma Lee Loy Bridge.

Mr. Jeffries said with this property the developer would probably include the wetlands so it can be used towards the density population and then a developer would have to develop around the wetlands.

Mayor Cotugno opened the up the public hearing at 9:58 a.m.

Mr. Ken Daige was happy that the Council was not going to consider the other two (2) small parcels brought up by the Planning Director. He said they are very small pieces of green space and he would hate to see them used. He said what scares him is the 50-foot height and density. He said when they put this particular piece of property (Old Nursery

property) into the Charter it was considered Park land. He said there was a big turnout of voters who wanted to see this piece of property in the Charter. He wondered if this had to be voted on or if they were going to just put affordable housing there. He said the City allowed people to vote on the Power Plant land and he hoped that people would be allowed to vote on this piece of property also. He does not like to see their City being pushed around by the State. He read through this Statute and it is pushing cities around. The City Council takes an oath to protect their Charter and now this is more about what the Council wants. He asked them if they were going to take the Charter rights away as a voter. He felt that the voters should be given a choice of whether or not they want to see affordable housing on this property. He said they should work on a voter question to give the voters a choice. He wondered why they have to be pushed around as a City. He said a lot of work went into protecting this green space. He agrees that there is a need for affordable housing, but what is affordable. He said when you read the Statute it says “no rent controls.” He said someone might come in and be able to afford the rent when they first get into their affordable housing and then down the road the developer decides to raise the rent and then these people cannot afford this housing any more. He told Council if they were going to allow affordable housing there then let the voters decide on that and don’t take their rights away. He asked that they not let the State push them around.

Mrs. Zudans asked Mr. Turner if they had the right not to include property and then potentially have a referendum on this piece of property that is in the Charter.

Mayor Cotugno commented that Mr. Daige was making a compassionate plea for home rule and he did not think any of the Council would disagree with his passion plea. He said the issue is that a law has been passed by Tallahassee and they all hold an oath to the constitution, which means they have to administer those laws as best as they can. He was not saying there were not other ways to approach this then trying to get local home rule, but there are deadlines that have been put in place and are a part of this law, which Mr. Daige has read. They have to respond to Tallahassee and that is what they are faced with at this point in time.

Mr. Neville agreed that this was a very persuasive argument made by Mr. Daige and he supports it. However, the State can vacate a piece of property even if it is in the Charter. He said if the Charter can impede the State then he is fully supportive of having the voters have a vote.

Mr. Carroll commented that after attending a lot of meetings and seminars this is a discussion that is taking place and every city is in the same boat as they are. He said no one knows what the ramifications are. He said if they don’t follow the rules put down by the State then the State will probably start examining things and it could put them in a worse position.

Vice Mayor Moore added that they want to be able to control as much as possible what happens to that piece of property. They don’t want the State to tell them what they can have built on the property. So if they put this piece of property on the list and have

developers come forward then they will have time to decide if the project they are proposing is something that is good for the community.

Mr. Turner stated that he was not aware of any litigation that has been filed yet, but it is an option that litigation could be filed on territory judgement and to the City controlling property that was already pre-existing and whether or not that would prevail. He said there is language in the Statute that gives him pause recommending that. He said it would have to be dealt with in court. He would have to recommend that option before saying that the Charter applies.

Mrs. Zudans stated so in going through all of the properties what they have come up with is that they have one (1) piece of property that is potentially available/appropriate for this inventory. She said the reason she brings this up is because the entire County, which obviously has more space available then the City so there would be affordable housing. She asked if they could just say “no” that they don’t have any property for affordable housing. She said most of the affordable housing would fit better at a County level then this one (1) piece of particular property in the City limits.

Mr. Jeffries commented that when he was doing his research on this and looking at what other counties and municipalities have done, he came across a few cities that have said they have no property available.

Mrs. Zudans wondered if they could do that now and look at it later when the State comes back and tells them that this is a mandate that has to be followed through with. She said it is kind of like an eminent domain case.

Mr. Turner recommended that they adopt some standards as to why it is not appropriate. He said coming up with this list of standards may be something for them to consider.

Mrs. Zudans asked when is the deadline that they have to give the State on this. She was told it was October 1<sup>st</sup>, but it was noted that there were many municipalities who have not been able to comply with that date. She asked how quickly they can come up with some standards.

Mr. Turner did not want them to rush into anything. He said if they want to think about this and delay adopting the Resolution to consider some standards then they should.

Mrs. Zudans stated that she would like to delay this and consider some standards.

Mr. Jeffries said that he would take the direction from Council on whatever they decide to do. He said they could delay it to come up with some additional standards, which would be fine. He said the next step would be to declare what property they decide on as surplus and he would do an RFI with that property listed and that would help in developing the standards.

Mrs. Zudans said she would hate to develop the standards later after they have already given up the piece of property.

Mr. Jeffries suggested issuing the RFI with this piece of property, but not declaring it and then see what the response is. He might get information back from developers saying for whatever reason this is not suitable.

Mrs. Zudans said so they would be delaying their response and sending out an RFI to find out what the response would be based on this one (1) piece of property.

Mayor Cotugno brought up that some of their original discussion was the reason why they were going to do an RFI to get the information from a potential developer and then determine what the standards are and what they can control and not control based on the law that currently exists. He thought it was a good idea to send out the RFI and see what the response is and then implement those standards as long as they meet the compliance of the State Statute.

Mr. Falls stated that if they send the RFI out that is outside of the Live Local Act this land is still Charter protected and they will need to get the Charter question answered.

Vice Mayor Moore said if they get an RFI that looks like it is going to be good for the City then they can always go to referendum.

Mr. Falls suggested disclosing in the RFI that this land is Charter protected.

Mr. Jeffries said the Charter issue will be disclosed, as well as the wetland issue, and the location of the railroad tracks.

Vice Mayor Moore made a motion to move forward on the RFI for the nursery property without putting it on this list of surplus properties that goes to the State.

Mr. Jeffries explained what they were doing was delaying approving the Resolution.

Vice Mayor Moore wondered if there should be another motion made to delay their response.

Mr. Turner explained that what Mr. Jeffries is asking for is to table this matter. He said this is allowed under the Statutes and it can be revised after the public hearing.

Vice Mayor Moore's motion was not seconded.

**Mayor Cotugno made a motion to table Mr. Jeffries inventory discussion for a later date and have it heard at the December 12, 2023, City Council meeting. Mrs. Zudans seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.**

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

Mr. Mike Johansen did not think that doing an RFI is legal. He heard Mr. Turner say that there were other municipalities proceeding with a class action suit within the State concerning this mandatory housing enforcement by the State. Mr. Turner said that he was not aware that there has been a class action suit filed yet, but there has been discussion. Mr. Johansen hoped that they delay this as long as they could.

Mayor Cotugno expressed the issue here is home rule and not workforce and affordable housing.

Mr. Keith Drewett commented that they have a standard which is called the Charter and a vote by the public must be taken to take something out of the Charter. He said the land across from the Cemetery is not available now because it is in the Charter.

Mr. Steve Reynolds, City resident, brought up the conversion from the Sewer System to the STEP System. He attended the last Utilities Commission meeting and agreed with their recommendations in meeting the State deadline of 2030. He said it is a good idea to have some buffer time as discussed by the Utilities Commission. He mentioned that the Step System has been in existence for seven (7) years now and there are still 874 sewers that need to be converted and this does not include Indian River Shores or South Beach. He said the cost is a major obstacle to do these conversions and it has gone up significantly since it came into effect. He said because of the cost and availability of equipment it will be a push to get all these conversions done and meet the deadline imposed by the State. He suggested that Council and staff look at coming up with a way to accelerate this project and double installation starting today in order to meet this mandate. He also felt that they needed to discuss what financial help there is to people who are going to need it. He said the cost issue is an obstacle.

## 6. CITY COUNCIL MATTERS

### A) NEW BUSINESS

#### 1) **Discuss the City of Vero Beach having its own Fire Marshall – Requested by Vice Mayor Linda Moore**

Vice Mayor Moore commented that it may have been premature to have this item on their agenda today because they will be discussing it at the meeting this afternoon that they are having with the County. She said that this item has been discussed before. She thought that by the City having their own Fire Marshall and Building Inspector it may help alleviate some of the problems that the County is having and take some load off of their duties. She received some preliminary numbers from the County concerning building permits, which looks like this might be feasible. She felt it would help with a better service to their residents and benefits everyone in the City and the County.

Mrs. Zudans agreed that there is frustration from the public on getting some things done because of these departments. She mentioned Seaside Grill. She has talked to the County Administrator and the Assistant County Administrator and they said that they are making this matter a priority and starting to work on the problems the public is having. Council agreed to bring these items back after they discuss these items with the County at today's workshop.

This item will be brought back at the November 7, 2023, City Council meeting.

**2) Discuss the City of Vero Beach having its own Building Inspector – Requested by Vice Mayor Linda Moore**

This item will be brought back at the November 7, 2023, City Council meeting.

**3) Discuss Traffic Diversions thru McAnsh Park – Requested by Councilmember John Carroll**

Mr. Carroll commented that one of the things that he heard more often than not in having the discussions of the Twin Pairs is the cut through traffic in McAnsh Park. He just wanted to have a little discussion about the ongoing problem. He said it is a problem that could have a solution, but the solution is more difficult for people that live there than the problem. He said that depends on if there have been any studies relating to traffic calming that need to be looked at. He just wanted to hear Council's thoughts on this matter.

Mr. Neville expressed the street that it is the highest candidate for cutting through is Buena Vista. He said if you are coming down Route 60 or coming across on 27<sup>th</sup> Avenue there are three (3) choices on which way you are going to go and a lot of people choose to go down Buena Vista. He suggested sealing this street off. He has not spoken to the three (3) houses in the area and what the impact would be and how the property owners would feel about doing that. But it would get the public traveling in this area to think about going down Route 60 like they should be doing. He said with their efforts with the Twin Pairs, he thinks this would be a perfect companion project to go along with that.

Mayor Cotugno commented that they have received a request by a resident of the McAnsh Park area concerning the speeding problems on Atlantic Boulevard. He said staff looked at this and found out there is speeding in this area at a particular time of the day. The issues the neighborhood is experiencing are real. He referred to Resolution 2011-26, which is the Resolution that outlines how you can do traffic calming in a neighborhood at the request of the neighbors. He said the process is outlined in the Resolution and getting the surrounding neighbors to agree to this might not be as easy as they think it is going to be. It takes 75% of the effective parties on the given street to invoke the traffic calming measure (speed bumps, stop signs, etc.), then the discussion takes place as to where the speed bump is going to go and in front of whose house. He said this will take a lot of neighborhood discussion among themselves and with the City Council.

Vice Mayor Moore asked if it would be appropriate to schedule a meeting with the neighbors of McAnsh Park.

Mr. Falls expressed that this information has been provided to one of the residents of McAnsh Park and someone in the neighborhood has to be the “captain” in order to get this started and then make a request to the City. He said they have done this numerous times in Central Beach, however they have never done any traffic calming.

Mayor Cotugno commented that he provided a copy of the Resolution to the person making the inquiry about this and her reaction was that she did not know it was that complicated and time consuming to do. He agreed that a meeting of the neighborhood with City Council at some point in time is probably needed.

Mrs. Zudans asked if this person would need to formally request a meeting.

Mayor Cotugno explained how this works. He said that the neighborhood can come to Council saying that 75% of the street is in favor of traffic calming and then staff would provide the cost to them and the neighborhood would need to pay 50% of the cost of the speed bump to be installed (if that is what they decided on) and whose house the speed bump is going to go in front of. He said sometime in the not too distant future the City Council needs to have a workshop and meet with the neighborhood and make sure everyone is aware of what the Resolution entails.

Vice Mayor Moore suggested if they were going to notify every one of the meeting then they should put together a list of possibilities for calming the traffic. It could consist of having a speed bump, stop signs or closing the road. They could outline these things and what the costs would be in order to implement them. This can be done after the new City Council has been sworn in.

Mr. Falls suggested waiting until after the Twin Pairs issue has been settled.

**Mr. Carroll made a motion to table this discussion until after the first of the year. Vice Mayor Moore seconded the motion and it passed unanimously.**

## **B) OLD BUSINESS**

### **1) Reinstatement of Seaside Grill Lessee Terms – Requested by Councilmember John Carroll**

Mr. Carroll commented that he went over to the Seaside Grill and was disappointed in the progress that has been made in the renovations. He said that they were still pouring the slab when he was there. Now, they are heading into November and last March forgave them for the rent. Then they were told in August that the permits for the roof and hood were going to be issued. He did not think that the owners were being diligent in getting this restaurant open.

Mr. Falls gave an update on Seaside Grill. He said that the hood inspection has been done and there is one more thing that has to be done before a permit is issued and the roof inspection will be done this week and their CO should be issued soon.

Mr. Neville felt that a lot of money has been spent on renovating this restaurant and due diligence has been done.

**2) Workforce Housing RFP for Lot Across from Cemetery – Requested by Councilmember John Carroll**

This item was covered earlier in the meeting.

**Mr. Neville made a motion to adjust the agenda to allow Mrs. Edie Widder from Orca to come up and give her presentation at this time and listen to what she has to say. Vice Mayor Moore seconded the motion and it passed unanimously.**

Council took a five minute break at 10:44 a.m. and the meeting reconvened at 10:52 p.m.

Mrs. Edie Widder with Orca gave a Power Point presentation (attached to the original minutes) to share some recent data that they have been collecting. Questions and answers took place.

**3) The Rest of the Story – Requested by Councilmember John Carroll**

Mr. Carroll commented that any change is transformational and the same thing applies to a city. The plan to install the Twin Pairs was not necessary and done because there were curb lines there. He said by doing this it has split the downtown area in two. They can beautify the downtown area by doing roadway purposing and it will not affect anything. He said the rest of the story on what is going on now and what the State is designing has not been talked about. He gave a slide show (attached to the original minutes.)

**4) Metropolitan Planning Organization (MPO) Final Plan Document – Requested by Councilmember John Carroll**

Mr. Carroll went over the plan submitted to the Metropolitan Planning Organization and gave a slide presentation (attached to the original minutes).

**5) Statewide Lane Elimination Guidance – Requested by Councilmember John Carroll**

Mr. Carroll said that this is a document provided as backup in a past workshop. He went through a slide presentation (attached to the original minutes).

Ms. Vicky Gould commented on what a fantastic presentation this was. She said the Marketing Study that was recently done showed that the downtown area was underperforming. She encouraged Council to go with the lane elimination and that there

were many ways to pay for it. They need to think about the potential revenue that will come in from having more businesses downtown.

Mr. Matt Haynes asked what the process or role of FDOT is after these meetings are over. He asked does FDOT say this is what they are going to do.

Mr. Falls explained that FDOT will take all the input that they have been given and ultimately want a resolution from the City Council endorsing the lane repurposing or not and then they will process the application. They (FDOT) have the final say on what will happen on their road.

Mr. Carroll added that this is a decision made by the City Council and blessed by the State. He noted that the design that Kimley-Horn did is a flexible design and just a starting point.

Mrs. Zudans said that they need to be transparent on how much the additional cost is going to be if they do the lane elimination. She said FDOT will not pay for that.

Mayor Cotugno commented that the issue with the downtown vitalization has to do with safety and walkability. The issue of parking is not the foremost issue. They need to be concentrating on what will bring people downtown. He said they do not want this to become a Delray Beach or West Palm Beach.

Mr. Neville commented that no one on this dais ever thought that parking was the most important thing. The most important thing was to reduce speed and make it safer. He said in the illustrations that Mr. Carroll showed in his presentation it outlined big cities and small cities and that they need to make their City the way that they want it. He said they will design their downtown the way that they want it to look like.

Vice Mayor Moore added that Mr. Carroll was pointing out that there is precedent for projects for lane reduction that work.

Mr. Carroll commented that he wanted Vero Beach to be the best that it can be. He sees this is an important move the City can make. He said a small city side village does not have seven (7) lanes running thru town. He lives here because he wants to live here and he wants to see Vero Beach be the best it can be.

Mr. Ken Daige commented that he feels everyone wants the best for downtown. He said the Twin Pairs are not working. There are solutions that FDOT will agree to, but the roadway prohibits them from doing some of these things. He said going forward they can start looking for funding that is available. He said one resource would be to ask MPO for funding. He said hopefully the next City Council will do something positive for Route 60. He referred to the recent meeting held at the Community Center when the report was given by Kimley-Horn and the emotions that came out at that meeting.

Mr. Neville brought up that they have a legitimate traffic engineer on staff and that is Mr. Peter Polk. He was sure that Mr. Falls would allow Mr. Polk to talk about this should

Council want him to do that. Mr. Falls had no problem with this request. Mr. Neville continued by saying that he felt the City needed their own equivalent to the MPO. He said if you look at the bicycle presentations they are all at County locations. The City has small space where there was no interest for the bicyclist. They could formalize these meetings to meet regularly and make recommendations and proposals then come back to Council and then go to the MPO. He said they go to the MPO meetings, but there is not one person saying advance the Aviation Boulevard project. This project needs to have a date in place on when it is going to get started.

Mr. Carroll asked if they were talking about establishing a new City Board. Mr. Neville said no, that it would just be staff. Mr. Carroll said that he was in favor of doing that.

## 7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

### **Public Hearing on this Ordinance will be heard on November 7, 2023 at 9:30 a.m.**

- A) **An Ordinance of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from RM, Residential Medium and C, Commercial to MX, Mixed Use, located at 1750 20<sup>th</sup> Street and adjoining nearby properties to the South of 21<sup>st</sup> Street, West of 18<sup>th</sup> Avenue and North of 20<sup>th</sup> Street, containing 2.74 acres more or less; Providing for an Effective Date. – Requested by the Planning Department**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on November 7, 2023 at 9:30 a.m.

### **Public Hearing on this Ordinance will be heard on November 7, 2023 at 9:30 a.m. (Quasi-Judicial)**

- B) **An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation from RM 10/12, Multiple-Family Residential and C-1B, Commercial to DTW, Downtown District, for the properties located at 1750 20<sup>th</sup> Street and adjoining nearby properties to the South of 21<sup>st</sup> Street, West of 18<sup>th</sup> Avenue and North of 20<sup>th</sup> Street, containing 2.74 Acres more or less; Providing for an Effective Date. – Requested by the Planning Department**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on November 7, 2023 at 9:30 a.m.

### **Public Hearing on this Ordinance will be heard on November 28, 2023 at 9:30 a.m.**

- C) **An Ordinance of the City of Vero Beach, Florida; Requested by Global View Investments, LLC to Voluntarily Annex Property located at 2301 43<sup>rd</sup> Avenue, Containing 4.07 acres more or less, pursuant to the Voluntary**

**Annexation Provisions of Section 171.044 Florida Statutes; Providing for an Effective Date. – Requested by the Planning Department**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on November 28, 2023 at 9:30 a.m.

**Public Hearing on this Ordinance will be heard on November 28, 2023 at 9:30 a.m.**

- D) An Ordinance of the City of Vero Beach, Florida, Amending the Comprehensive Plan Future Land Use Map by changing the Future Land Use Designation of Voluntarily Annexed Property from Indian River County Designation L-2, Low Density Residential-2 to City of Vero Beach Designation RM, Residential Medium for the property located at 2301 43<sup>rd</sup> Avenue, containing 4.07 Acres more or less; Providing for an Effective Date. – Requested by the Planning Department**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on November 28, 2023 at 9:30 a.m.

**Public Hearing on this Ordinance will be heard on November 28, 2023 at 9:30 a.m. (Quasi-Judicial)**

- E) An Ordinance of the City of Vero Beach, Florida, Amending the Official Zoning Map by Changing the Zoning District Designation of Voluntarily Annexed Property from Indian River County Designation RS-6, Single-Family Residential to City of Vero Beach RM-10, Medium-High Density Multiple-Family Residential, for the Property located at 2301 43<sup>rd</sup> Avenue, Containing 4.07 Acres more or less; Providing for an Effective Date. – Requested by the Planning Director**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on November 28, 2023 at 9:30 a.m.

**8. CITY CLERK MATTERS**

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

**A) Update on Indian River Shores vs City of Vero Beach lawsuit**

Mr. Falls said that the City Attorney would give an update on the lawsuit between the City and Indian River Shores.

Mr. Falls said that he had to sign off on an emergency purchase request because the culvert failed behind the old Fat boy's restaurant. He will ask Council to ratify this request at their next Council meeting.

## **10. CITY ATTORNEY MATTERS**

Mr. Turner reported that last week he attended a conference in Washington regarding Airport law. He said that it was an outstanding conference and there were presentations made by Federal Aviation Administration (FAA) updating them on FAA regulations. It was a combination of FAA regulations and TSA safety regulations. He will be briefing the Airport staff on that.

Mr. Turner brought up the litigation for the lawsuit between the City of Vero Beach and Indian River Shores. He said the decision from the Supreme Court concludes the litigation over the rate case. He thanked Council for their support. He said it has been a long road and the City Council never wavered.

Mr. Neville told Mr. Turner that he and his outside counsel did an outstanding job through this process.

Mr. Falls expressed it is now time for this unnecessary waste of taxpayer's money to come to an end. The outcome is what the City thought it was going to be and they will be notifying Indian River Shores of the rate increase this afternoon.

Mayor Cotugno brought up the expense of this lawsuit and that they actually self-funded the lawsuit against themselves.

Mrs. Zudans brought up the significant amount of time that staff put in on this lawsuit. She said some of the cost of time was not considered.

## **11. COUNCILMEMBER MATTERS**

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

Mayor Cotugno showed the Certificate that the City received from the Learning Alliance. He reminded everyone that the Halloween Parade would be held on Saturday starting at 10:00 a.m. He said tomorrow the MPO meeting will start at 10:00 a.m. and the Twin Pairs will be discussed at that meeting. Also, the Affordable Housing Committee meets at 9:00 a.m. tomorrow. Then today there will be a joint City/Council Workshop that will be held at the Indian River County Library and the meeting starts at 2:00 p.m.

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

Vice Mayor Moore reported that Downtown Friday will be held on Friday night and a pub crawl will be held throughout the downtown area.

#### **1) Ms. Edie Widder from Orca to speak**

This item was heard earlier in the meeting.

**C. Councilmember Zudans's Matters**

**D. Councilmember Carroll's Matters**

**1) ...The Rest of the Story**

**2) Metropolitan Planning Organization (MPO) Final Plan Document**

**3) Statewide Lane Elimination Guidance**

These items were heard earlier in the meeting under Old Business.

**E. Councilmember Neville's Matters**

**13. ADJOURNMENT**

Today's meeting adjourned at 12:06 p.m.

/tb