

**CITY OF VERO BEACH, FLORIDA
NOVEMBER 7, 2023 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Pastor Randy Bryant of Ryanwood Fellowship gave the invocation.

1. CALL TO ORDER

A. Pledge of Allegiance

Mayor Cotugno led the Council and 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 24, 2023

Vice Mayor Moore made a motion to approve the October 24, 2023 regular City Council minutes. Mr. Neville seconded the motion and it passed unanimously.

2. Joint City/County Workshop Minutes – October 24, 2023

Mr. Carroll made a motion to approve the Joint City/County Workshop minutes. Vice Mayor Moore seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Vice Mayor Moore pulled items 6A-1) and 6A-2) off of the agenda.

Mr. Carroll pulled items 3-A), 3-B), and 3-F) off of the consent agenda.

Mr. Neville added a new item under 6A-3), which is to honor someone with a street sign.

Vice Mayor Moore made a motion to approve the agenda with these changes. Mr. Carroll seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1) Veterans Day – November 11, 2023

Mr. Neville read and presented the Proclamation.

2) Airshow 2024 – Mr. Rob Lucas & Mr. Todd Howder

Mr. Rob Lucas reported on the Airshow that will occur in 2024.

3. CONSENT AGENDA (include amount of expense)

Items 3-A), 3-B), and 3-F) were pulled off of the consent agenda for discussion.

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

A) License Agreement #2023-LA-442 Between the City of Vero Beach and Vero Beach Air Show, Inc., for Temporary Use of Airport Property for the 2024 Vero Beach Air Show (April 13-May19,2024)

Mr. Carroll mentioned that there was a minor scrivener's error in the original agreement that has been corrected.

Mr. Carroll made a motion to approve the license agreement for the Vero Beach Air Show. Vice Mayor Moore seconded the motion and it passed unanimously.

B) First Amendment to Lease between the City of Vero Beach and Property Life LLC

Mr. Carroll explained that this was a request to extend the free rent for another six (6) months between the City of Vero Beach and Property Life, LLC. He said this is another situation where the tenant is requesting relief due to permitting and other issues.

Mr. Monte Falls, City Manager, explained they entered into a lease with Property Life, LLC to occupy a building at the Airport that has been in a state of disrepair. He said there were not a lot of people looking at the building because of the shape that it is in. Then Property Life came forward and wanted to lease this piece of property and they came to terms with the lease agreement and signed off on it on November 1, 2022. They hired a contractor in November of last year and then hired a local engineer to do their plans. Their permit application was made on May 12th of last year and then they submitted their Code Compliance application to the City on June 30th. The Code Compliance application was approved on July 7th and their building permit was approved on August 16th. He said construction is currently underway and they are moving forward with the improvements. The estimated amount in improvements was valued at \$200,000. They are requesting an additional six (6) months in order to complete the repairs and have their CO issued and at that time the rent would start.

Mr. Carroll expressed his issue was if you sign a lease then you need to move forward on it and do your due diligence in getting the job done. He said there was 60-days between

the date the lease was signed and the hiring of the engineer. Then the building permit was issued in August and the only thing that has been done so far is demolition.

Mrs. Zudans brought up that this Council has set a precedence with Seaside Grill and allowing them not to pay rent until they receive their CO so she felt that they should do it in this circumstance also.

Mayor Cotugno understood how long it can sometimes take to get permits approved and had no problem moving forward with this request.

Vice Mayor Moore agreed that this was a large investment that this company was making on City property so they should be given the additional time to complete the renovations.

Mrs. Zudans made a motion to approve the extension of the six (6) month rent commencement. Vice Mayor Moore seconded the motion and it passed 4-1 with Mr. Carroll voting no.

- C) Approve Final Payment to The Paving Lady, Inc. for (\$479,271.45) Annual Street Resurfacing PW Project No. 2023-29**
- D) Acceptance of Local Firearms Safety Training Program Grant (\$65,852)**
- E) Main Canal Outfall 39th Avenue Emergency Repairs (\$150,000)**

These items were approved earlier in the meeting.

F) Main Street Vero Beach Program Agreement

Mr. Carroll reported that he pulled the Main Street Vero Beach Program Agreement off of the consent agenda because there needed to be some clarification regarding their insurance, which has been done.

Mr. John Turner, City Attorney, stated that the changes were submitted to the Executive Director of Main Street for his review and approval and he had no problem with the changes made.

Mr. Carroll made a motion to approve the amended agreement. Vice Mayor Moore seconded the motion.

Mr. Ken Daige referred to page 2, number 5, in the agreement where it says that at least one (1) Board member shall be a City employee appointed by the City Manager. He wanted to know who will be appointed and if they will need to fill out the necessary application paperwork and be a City resident.

Mr. Neville brought up that there was a similar agreement between the City of Vero Beach and Main Street that lapsed and was never followed. He hoped that doesn't happen this time and the City stays on top of it and that Main Street provides the financial information to the City as outlined in this agreement.

Mr. Falls stated that he would be making the appointment to the Board and that would be the Planning Director. He also said that staff plans to stay on top of this agreement and that Main Street is required to submit a quarterly and annual report.

Vice Mayor Moore made a motion to approve the Main Street Vero Beach Program Agreement. Mrs. Zudans seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

- 1) 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 20th Street and adjoining nearby properties to the South of 21st Street, West of 18th Avenue and North of 20th Street, containing 2.74 acres more or less; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning Director, disclosed that his child attends the day care service provided by First Methodist Church (applicant). He has reviewed this with the City Attorney and they determined that there is not a conflict and he could present this Ordinance to Council. He said that Mrs. Cheri Fitzgerald, Principal Planner, has prepared the report that Council received in their backup material and he will perform his duties as the Planning Director and present the case.

Mr. Jeffries went through a Power Point presentation (attached to the original minutes). He explained that this request is being made by Mr. Peter Sweeney, Esq. on behalf of First Methodist Church of Vero Beach to amend the City's Future Land Use Map to change the future land use designation for parcels totaling 2.74 acres from RM, Residential Medium and C, Commercial to MX, Mixed Use. Due to the size of acreage of the property (2.74 acres), the map amendment will follow the Small Scale Comprehensive Plan Amendment process. The site is located at 1750 20th Street and includes other adjoining and nearby properties to the south of 21st Street, west of 18th Avenue and north of 20th Street. The property is currently multi-family residential, place of workshop and child care services. Adjacent to the east of the property is a place of worship and child care service uses. Across 21st Street is overflow parking for the place of worship and single family residential uses. The south and west of the subject property, the current uses include a funeral home, multifamily residential, and commercial and retail businesses. Once this is adopted the Ordinance will be sent to the State for a 30-day review and comments may be sent back from the State. The Planning and Zoning Board conducted a public hearing on October 5, 2023, and passed the Ordinance 5-0. Staff has reviewed the application and finds that the future land use map designation meets and is consistent with the standards in Section

65.25(d)(1-6) of the Code. Staff recommends approval of the Comprehensive Plan Future Land Use Map designation.

Mr. Neville asked how much impact this would have in the residential northern component.

Mr. Jeffries felt that there would be more impact to 20th Street and there is sufficient capacity there. He said the issue they ran into that started this process is that they were requesting to use the existing buildings, which are educational and allowed conditional use under the multi-family residential district zoning code, but the conditions of minimum site requirements and the existing buildings themselves don't meet the 25-foot setbacks. He said so this makes sense for them to be under the mixed land use, which does not have all those setback requirements.

Mr. Pete Sweeney, Esq., and applicant for this case explained that the traffic analysis provided has been studied and reviewed. He said given the worst case scenario, which would be a fast food restaurant, which would not be allowed because the foot print is not big enough, but if it was there still would not be a problem.

Mayor Cotugno opened and closed the public hearing at 10:06 a.m., with no one wishing to be heard.

Mrs. Zudans 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.

- 2) 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 20th Street and adjoining nearby properties to the South of 21st Street, West of 18th Avenue and North of 20th Street, containing 2.74 acres more or less; Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Mr. Jeffries noted that this is a quasi-judicial hearing. There were no disclosures from the Council of any ex parte communications. The City Clerk swore in the witnesses testifying at today's hearing.

Mr. Jeffries reported that this request was made by Mr. Peter Sweeney, Esq. on behalf of First Methodist Church of Vero Beach to rezone approximately 2.74 acres of property from RM-10/12, Multiple-Family Residential and C-1B, Commercial to DTW, Downtown. The property is located at 1750 20th Street, west of 18th Avenue and north of 20th Street. The property is currently multi-family residential, place of worship, and child care services. The MX Mixed Use FLUM designation is for land areas that are suitable for small to medium urban scale development and located with access to arterial or collector streets. The designation allows a broad mixture of residential, mixed residential/nonresidential,

commercial, educational, institutional, and non-residential uses and supportive community services with a maximum residential density of 17 units per acre and maximum floor area ratio of 2.0. The application is consistent with the Comprehensive Plan. It is to improve compatibility among uses and ensure logical and orderly development pattern. Staff finds that the zoning map change meets and is consistent with the standards for review and recommends approve of the zoning map amendment. The Planning and Zoning Board met on October 5, 2023, and unanimously approved the Ordinance.

Mr. Pete Sweeney, Esq., and applicant, commented on how helpful staff has been in working with him on this matter. He applauded the Council for cleaning up the split zoning throughout the City and the County.

Pastor Jeremy Redmond of First Methodist Church was sworn in. He said that First United Methodist was one of the first churches in Vero Beach and has been there since the early 50's and they are here to stay. He said they will continue serving the community as they always have.

Mr. Shawn Conway, who was sworn in, was grateful to be a part of the church staff in working with the children's ministry. Their goal is to expand their service and continue serving families by adding an Elementary School at this time.

There was no public comment.

Mr. Carroll made a motion that based on competent substantial evidence presented and the applicable code provisions to adopt the Ordinance. 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.

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,950.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2902 22nd Street, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that these five (5) Resolutions on today's agenda were the first of the combination STEP System project on Atlantic Boulevard.

Mr. Neville was sorry that Mr. Keith Drewett could not be at today's meeting because he spearheaded this project to help people with funding who could not afford the STEP System. His group has been very successful in raising money and getting this job done. They need to continue working on the mandated sewer conversion and define how they are going to accomplish it.

Mayor Cotugno opened and closed the public hearing at 10:18 a.m., with no one wanting 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.

- 2) A Resolution of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,950.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2726 Atlantic Boulevard, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

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

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

- 3) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,950.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 3216 Atlantic Boulevard, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 10:20 a.m., with no one wishing to be heard.

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

- 4) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,950.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2906 Atlantic Boulevard, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 10:21 a.m., with no one wishing to be heard.

Vice Mayor Moore made a motion to approve the Resolution. Mr. Carroll 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) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing a Special Assessment Lien in the amount of \$4,950.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 2846 Potilla Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mayor Cotugno opened and closed the public hearing at 10:21 a.m., with no one wishing to be heard.

Mr. Carroll 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.

- 6) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing Policies and Procedures relating to the Naming or Renaming of Public Parks, Public Recreation Facilities, Public Buildings, and Structures; Maintenance of Structures by Donors; Repealing any conflicting policies; and Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Neville stated that he believes the most important aspect of naming public properties is that it should be the purview of the citizens of the community. He is uncomfortable with the notion of Committees and Councilmembers naming a particular item whatever it might be. His suggestions are if someone comes forward with a request then it be noticed to the public and the public is given the opportunity to submit their own ideas since it is for naming of public land. Then it would go to the appropriate Commission for review or consideration. If there are multiple names then the Commission should bring the list down to three (3) names and those top three (3) names would come to the Council. The names would come before the Council for two (2) meetings just so everyone is familiar with what they are doing and knows the names that are being considered. He asked that they have a unanimous vote on this. He believes naming a piece of property after someone that is living is a real problem. It is a problem if they deny the request because it would be embarrassing to the person. Also, in the event that this individual has their name on this piece of land and gets into some type of trouble it would be hard to remove the name because once the name is placed in the register and it gets on every document and every map, etc., trying to undo that would take forever. He said there is no problem with putting

a monument on a piece of land and putting a plaque on it to commemorate that person. He said then if there is a reason it has to be removed it is easy just to take the plate off. He asked Council for discussion on this and to be able to have the City Attorney make the necessary changes to the Resolution.

Mr. Carroll agreed with the application form that was circulated. He made a few changes to the form, which have been made. On the other matter, he thinks naming something is an important power that they have as a City Council. He agrees that once it is done it is never going to be changed. Something needs to be considered in regards to the living or the dead.

Mr. Neville felt they could still honor someone with a nice plaque or bust. He suggested having something at the walkway at the new Sports Complex downtown.

Mrs. Zudans did not have an issue with any of these things. She thought they were all reasonable. She said the importance of naming and going before a Commission instead of coming to City Council first was not necessary. She did not think they were going to have an overwhelming number of naming opportunities so creating another Commission or assigning it to an existing Commission is unnecessary. She asked that the naming or renaming just come to City Council.

Mr. Neville was thinking about having the name selection go before the Recreation Commission because it is usually a Park that they would be looking at naming. He said if it wasn't a Park then it would not go to the Recreation Commission.

Mrs. Zudans did not think that there would be an excessive number so she thought it would be easier to just come before City Council. She liked the idea of making sure that the community and the neighborhood was in favor of it.

Mayor Cotugno did not agree with the decision of this having to be a unanimous vote. He did not know if that would ever happen. Council agreed with having a majority vote.

Mrs. Zudans referred to the Resolution that they have and asked that the things Mr. Neville was asking for be incorporated into this Resolution.

Mr. Turner was happy to incorporate these changes and bring them back to Council. He said that he was going to exclude a few things. He would not put in that the vote has to be unanimous and it will not go before a Commission, but come directly to Council to make the determination.

Mayor Cotugno added that the person can be living or dead.

Mr. Turner heard that they wanted deceased only in the Resolution.

Mayor Cotugno brought up there are two (2) major ballfields, which would not exist if it wasn't for living persons donating the money to allow those fields to exist. They are the Jake Owen field and Dyer field.

Mr. Neville mentioned that the Clerk's office did a lot of research in coming up with how each of the different Parks that they have were named. He said there was only one (1) Park that they could not find information on.

Mr. Turner brought up that there also may be an occurrence where an individual is living and their family wants to donate property with the name attached or contribute a substantial amount of money to the City for a public Park and they may be requesting the Park be named after that person.

Mayor Cotugno commented that if they keep putting criteria in then they are creating a huge policy. He said they should just leave it to the discretion of the City Council based on a majority vote.

Mr. Neville disagreed with that.

Mr. Carroll made a motion to table this Resolution. Vice Mayor Moore seconded the motion.

Mr. Ken Daige commented that what he was hearing is the renaming will be heard in the open and the Council will have the final word and if there is something going on in the public that the public does not like they will hear about it. He liked that this will be transparent because the City taxpayers pay for the maintenance of these Parks. He thanked Mr. Neville for his services to the City.

The motion 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. Brian Heady brought up the reserved parking spaces for the City Council in the City parking lot. He felt that the reserved signs for Council should be removed and the public should be able to park in those spaces. All they have to do is ask the City Manager to please remove those signs, but not one of them is going to give up the special privilege because they are important people. He hoped the voters don't return them to their "reign of terror." He referred to the campaign literature sent out by potential candidates and what such liars they are once they get elected. He brought up the Vice Mayor who is a restaurant owner who says that her restaurant workers don't make enough money so let's have the taxpayers pay for their housing. Let's take some public land and create some housing at the taxpayers' expense for her restaurant workers because she refuses to pay them a decent living.

Mrs. Linda Hillman asked for help from the City Manager. She said on 23rd Street between 20th Avenue and 19th Avenue on the south side of the street there is a water leak. Since April she has reported it four (4) times and also stopped one City worker in a truck and let him know about the leak. Then, Rick from the Community Church has also reported it twice. She said there are actually two (2) water leaks and you cannot miss them because that area of the grass is so bright and green and the top is all foamed up and there is a smell when you are driving down the street. She was asking if this can be repaired. The first leak is right near the speed limit sign and the other leak is opposite of the water connection that is painted blue. She then thanked the City workers who are responsible for cutting the canal grass around 20th Avenue and keeping the trees trimmed. She said it is absolutely gorgeous.

Mrs. Hillman asked Council if they have recently traveled down 53rd Avenue from Aviation Boulevard to Route 60. She said there are very low speed bumps and it is amazing how long that stretch is and everyone stays at the speed limit. She encouraged Council to take a drive in this area. It could be the answer for some of their neighborhoods.

Mr. Ken Daige brought up Route 60 and said whoever is left on the Council after the Election should think about what their decision is going to be regarding the Twin Pairs. They need to get with staff and Florida Department of Transportation (FDOT) and find out what they are doing. He knows the City has tight financing so they need to find out what improvements can be made by FDOT. Going forward they need to have something on the table saying these are things that can be done and if the money is not there they need to have a solution on what can be done. He said lets get something more done other than a resurfacing project. If they are not careful then they won't wind up with anything. They need to figure out what they can do. They must ask FDOT so they know what is happening.

Mr. Neville recalled that FDOT desired to have safety first. He brought up how they initiated a fencing project near the Wabasso Bridge and people found it very unattractive. The FDOT proceeded to make it nicer, which cost around \$600,000 in order to satisfy the aesthetic desire of the community. He said as they get closer they can use that point as an example.

Mr. Brian Heady commented that all five (5) Councilmembers agree that the most important thing that this City is facing is getting the Three Corners project developed. He said they can come up with more ways to spend taxpayer's money instead of focusing on what they say is the most important thing. The signs restricting parking in the City parking lot could be taken care of by one Councilmember asking the City Manager to remove them. They could be like any other citizen and will find a parking spot. If they want to see the Three Corners project get done then they need to give the City Manager authority to get it done and allocate the money for it to happen.

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 (continued from the October 24, 2023 meeting)

This item was removed from the agenda.

2) Discuss the City of Vero Beach having its own Building Inspector – Requested by Vice Mayor Linda Moore (continued from the October 24, 2023 meeting)

This item was removed from the agenda.

**3) Add on Item –
Motion to Allow the Corey family to honor Callie Corey with an honorary road sign**

Mrs. Zudans commented that the naming of this honorary road sign needs to be tabled until they have passed the naming and renaming Resolution (discussed earlier in the meeting).

Mr. Neville said that this is not renaming a piece of property. It is an honorary sign that sits on top of an existing road sign.

Mrs. Zudans asked for the sake of transparency did Mr. Neville go to the neighbors asking them for their input. She wanted to have community input before they do anything based on the discussion that took place earlier in the meeting.

Mr. Neville told Council who the surrounding neighbors were and that he didn't think there would be a problem.

Mrs. Zudans commented that this surrounds different businesses and she would feel more comfortable getting community input from the other businesses in the area. She wanted the community to have an opportunity to have input.

Mr. Neville explained this would be a small sign sitting on top of an existing street sign. He said that Mrs. Corey started her business in 1956 and she worked there until 2017 when she broke her hip. He said everyone loved Callie Corey. He said it would be an honor for them to be able to make a small contribution to her because she was so important to this community. He was pretty confident that no one in that neighborhood would object to having the Eastern Lilly sign at its existing place have a sign on top of it saying "Callie's Corner."

Mayor Cotugno agreed with Mr. Neville on that point. However, Mr. Neville made a pain staking analysis of naming Parks that the City owns. Part of their discussion is they all agree that now they have a transparent process and everyone is going to adhere to it and fill out an application and go through the process. They tabled passing the Resolution until the City Attorney has time to make the changes they discussed at today's meeting and bring it back to Council. He felt that the naming of the sign Callie's Corner will probably happen without a doubt, but they need to follow the transparency process that they just established.

Mr. Neville felt they were talking about two (2) entirely different things. Mayor Cotugno said if they want to put someone's name on something then the criteria needs to be followed as outlined in their proposed Resolution that they discussed earlier in the meeting. Mr. Neville said the topic in the Resolution was naming property that endures over time.

Mrs. Zudans reiterated that they needed to go through the process that they just set forth and bring it back with the application after the Resolution has been approved. She does not see any reason why this would not get approved.

Mr. Neville said then the Resolution would have to be changed to include naming anything and not just property. The focus of the Resolution would be the naming of property because it is so significant and enduring. However, placing an honoree sign on an existing street sign is not asking a lot. They are not changing the name of the street. It is just the way of acknowledging the service of this woman to their community.

Mayor Cotugno did not have any doubt that the request will pass. However, they have established a process, which needs to be followed. They will only be delaying this by two or three weeks.

Mr. Neville said if that is the sense of Council that is fine and he will hold them to their word, which is that this will come back in two to three weeks and it will happen.

Mrs. Zudans explained that they need to take into consideration timing and how quickly their City Attorney can do this and bring back the Resolution for approval.

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 (continued from the October 24, 2023 meeting)**

This item was pulled off of the agenda.

- 2) Discuss the City of Vero Beach having its own Building Inspector – Requested by Vice Mayor Linda Moore (continued from the October 24, 2023 meeting)**

This item was pulled off of the agenda.

B) OLD BUSINESS

- 1) Twin Pairs – Approaching the Intersection – Requested by Councilmember John Carroll**

Mr. Carroll commented that there is a lot of misinformation out in the public concerning the State Road 60 repurposing nearing the intersection. He gave a Power Point presentation (attached to the original minutes).

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

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

A) Public Safety Update – Chief Dave Currey

Mr. David Currey, Police Chief, informed Council that the four (4) sworn in police officer positions have been filled. This allows them to fill the police officer position at the Airport and the third traffic police officer position and then the next position to be filled will be the police officer downtown. This police officer will be doing a combination of riding their bike and walking. The fourth police officer position will be the marine unit. On the beachside area they always try to have two (2) officers over there on duty. The second officer will be working the beach district and either riding their bike or walking. They have recently purchased a golf cart for the police officer to use in that district. They started the additional patrolling on November 1st and are receiving positive impact on that. He said generally when people see police officers they feel safer.

Mr. Falls thanked the Police Department for emailing their beach reports on the weekends.

Mr. Neville brought up since they are close to having the Seaside Grill open it might be a good idea to paint the restrooms next to it.

Mr. Falls said that he would bring this up at the next staff meeting.

10. CITY ATTORNEY MATTERS

A) Seek authorization to file a Request for Exclusion in the class action litigation approving the proposed settlement over PFAS chemicals. If filed, this will result in the City not participating in any settlement, but will enable the City to proceed with necessary claims to protect its interests.”

Mr. Turner explained that there is currently a pending settlement proceeding in a case involving DuPont companies and some of their subsidiaries. The lawsuit was brought up because of the PFAS and pollutant chemicals that were detected in various locations throughout the Country. He said this is a class action lawsuit brought against these chemical companies who are the producers and manufacturers along with subsidiaries regarding these chemicals. There is an effort to clean up these chemicals among the States and in the last action the plaintiffs are all public water system operators in the Country,

which includes the City of Vero Beach. The City has been notified of a pending settlement of over a billion dollars that the defendant chemical companies would pay to resolve and release the provider service companies, corporations and municipalities. The amount that this municipality would probably receive is about half a million dollars and that probably would not be sufficient to cover their costs and expenses in treating these chemicals that are in their water system. In order not to be bound by this agreement they have to opt out or request an exclusion from the settlement. He said that he can do that on behalf of the City, but needs direction from City Council to file the necessary documents. What he would be filing is a request for exclusion along with an affidavit from the Water and Sewer Director concerning the status for testing for these chemicals in the system. This would exclude them from any settlement, but it would allow them to proceed for collection of their own damages when they determine what those costs will be. They anticipate it will be much more than a half million dollars. Additionally, they have the Airport that has a separate cause of action for any pollutants that occurred from any use of fire retardant foams during training action. He said they are just finding out about this and are setting up a treatment plan and they don't know the full extent as to what that is going to cost. He said if they did not opt out and were included in the settlement they probably could also be released for the Airport, but he could not recommend that at this time. He was requesting that the City Council give him authority to file all these necessary documents to opt out and then he will be proceeding in calculating the costs and expenses for this and will be bringing back to Council some recommendations. He asked Council to make a motion giving him direction to opt out.

Mr. Neville asked Mr. Turner what is his considered judgment of reorganization by any one or both of those companies.

Mr. Turner said that is always a possibility and has been some of the discussion for one of the organizations and that would be something that they would have to deal with.

Mr. Neville asked if their claim would be at the top or the bottom of the list.

Mr. Turner said it would be with everyone else's claim. The City of Vero Beach does not have any priorities. He said in bankruptcy there are numerous other claims.

Vice Mayor Moore wondered if a future lawsuit by them would be more challenging than staying in the class action suit.

Mr. Turner explained it would be litigation involving other public water service providers.

Mr. Neville made a motion to proceed with opting out. Vice Mayor Moore seconded the motion and it passed unanimously.

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno reminded everyone that Coffee with the Mayor will take place on Friday. The Kimley-Horn public meeting on the Twin Pairs traffic study will occur next Thursday at the Community Center starting at 5:30 p.m. Then there will be a Christmas Tree Lighting Ceremony held downtown on November 18th and the Indian River County Chamber of Commerce is hosting the event. He noted that on October 28th they had the City Halloween Parade and Mr. Neville was their emcee and did a great job.

Mayor Cotugno presented Councilmember Neville with a plaque thanking him for his services to the City of Vero Beach for the last four (4) years. He then invited everyone to stay after the meeting and have a piece of cake with Councilmember Neville.

B. Vice Mayor Moore's Matters

Vice Mayor Moore reported that the ORCA fundraising dinner was held last night and it was very successful.

C. Councilmember Zudans's Matters

Mrs. Zudans commented on what an honor it was for her to be able to judge the County Halloween costume contest.

Mrs. Zudans hoped that everyone will get out to vote today and she looks forward to seeing everyone at the Veterans Day Ceremony on Saturday.

D. Councilmember Carroll's Matters

1) The 2022/2023 Year in Review

Mr. Carroll touched on some of the projects that this Council has accomplished as a "Team" over the last year. He gave a Power Point presentation (attached to the original minutes) that outlined the 2022/2023 year.

E. Councilmember Neville's Matters

Mr. Neville thanked Council for the plaque. He mentioned that this was his last meeting as a City Councilmember. He participated in the walk a thon last week held at Riverside Park and sponsored by Gold Star Mothers. He said there were a lot of people that attended and a lot of money was raised.

Mr. Neville thanked all the people that supported him when he ran for City Council. He thanked this Council and the fantastic City staff. He said it has been a pleasure working with all of them. He hoped that more staff could be hired in the City to get this community back to the shape that it once was in. He hoped that they fix the Twin Pairs. He then wished them all the best.

12. ADJOURNMENT

Today's meeting adjourned at 11:53 a.m.

/tb