

**CITY OF VERO BEACH, FLORIDA
NOVEMBER 23, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

Minister Jack White of Gifford Church of Christ gave the invocation.

PRESENT: John Cotugno, 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 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 – November 1, 2022

Vice Mayor Moore made a motion to approve the minutes. Mrs. Zudans seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

B. Proclamations and recognitions by Council.

1) National Mental Health Awareness Month – November 2022

Mr. Neville read and presented the Proclamation.

3. CONSENT AGENDA (include amount of expense)

4. PUBLIC HEARINGS

A) ORDINANCES

1) An Ordinance of the City of Vero Beach, Florida, related to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2021 and ending September 30, 2022; Providing and Establishing Revisions to said Budget based on Revised Revenue, Expenditure and Transfer Estimates; Providing for an Effective Date.

The City Clerk read the Ordinance by title only.

Mr. Monte Falls, City Manager, reported that this was the second and final budget amendment for FY 21-22.

Mrs. Kelly Brost, Comptroller, explained that the first amendment to the budget was adopted in June 2022 to utilize \$500,000 of the City's American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds allocation as General Fund revenue replacement, to appropriate \$1,000,000 from the City's General Fund Capital and Infrastructure reserves for donation to the Vero Beach Community Complex in support of a planned capital improvement project, and to increase the funds appropriated for this year's Solid Waste vehicle purchase due to supply chain issues. The total General Fund revenues are projected to be \$2.1 million less than the current amended budget of \$29.4 million. The decrease is because of a combination of factors. There was a \$2.6 million loss in investment earnings instead of the \$440K increase that was budgeted. There have been increases in other revenue sources. The unrealized investment losses were offset by \$900K in net increases in all other revenue sources, including ad valorem taxes, utility taxes, franchise fees and State revenue sharing. The total expenditures in the General Fund are projected to be \$3.6 million less than the current amended budget of \$29.4 million. This was due to a net total decrease of \$630K in operating expenses and a \$3.0 million dollar decrease in donation/transfers out. There was a decrease of \$3.0 million in appropriated Fund Balance reserves for capital projects, as the Vero Beach Community Complex and Marina south complex projects were delayed until FY 22-23. With the Water & Sewer Utility Fund the operating fund has remained relatively flat. Although there was a \$1.1 million increase in revenue from metered water sales and sewer service charges, this was offset by a reduction in the budgeted amount for interest earnings on investments. The projected year end revenues for the Airport operating fund has been decreased by a net of \$190K driven largely by a reduction of \$280K in contributions from private sources. This was a combination for the new customs facility project, which has been delayed. The Airport Fund has a projected cash carryover of \$69K.

Mayor Cotugno opened and closed the public hearing at 9:19 a.m., with no one wishing to be heard.

Mr. Neville made a motion to approve the Ordinance. 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.

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 with the Florida Department of Transportation for a Project entitled “VRB ARFF VEHICLE” (FDOT #451499-1-94-01); Providing for an Effective Date.**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the Federal Administration Agency (FAA) requires Aircraft Rescue and Fire Fighting (ARFF) services as a requirement stated in the Airport’s 14 CFR part 139 Airport Certification Manual. The vehicle that is currently operating is from 2010 and is starting to experience increasing repair and as a result, is taken out of service frequently. The scope of this project would allow for the Airport to begin working with their consultant to proceed with the specification through a bidding process. The intent will be to replace the ARFF vehicle that is currently serving the Airport. The project is being funded at 80% by Florida Department of Transportation (FDOT) and 20% by Airport matching funds. FDOT will fund \$30,000.00 and the Airport will be responsible for the remaining \$7,500.00. This cost is included in the Five Year Capital Improvement Project and there will be no General Fund revenue expended on this project.

Mr. Neville asked if the existing vehicle value was associated with that.

Mr. Todd Scher, Airport Director, answered yes. He said that the Airport will keep the existing vehicle as a backup vehicle. He said that Breeze Airways has committed to start offering services at the Airport in February and the Airport will have to have the ability to provide these services or the Airport cannot operate.

Mr. Carroll asked what the estimated cost of the vehicle is.

Mr. Scher explained that the total estimated cost is a million dollars. He said that is an estimate that allows them to look at several different things as they get into specifications. They have to upgrade their current capabilities so it is not a one for one swap. He said that the million dollars may be more than they need, but they would hate to adjust it and have to come back and ask for more.

Mr. Neville asked if Breeze Airways was not coming to Vero Beach would they be buying the same vehicle.

Mr. Scher said maybe not, however there is an increase interest in serving the Airport from a lot of airlines and even when they didn’t have an airline they wanted to provide these services because they felt it was the right thing to do for the people who use their Airport. It will not cost a lot more money to upgrade the vehicle to one that is more capable. This is a protection mechanism that they feel they are obligated to offer to the people who use the Airport.

Mayor Cotugno asked what are the specifics about this vehicle and what does it do.

Mr. Scher explained the specifics of this vehicle is the amount of extinguishing equipment that it carries. By the letter of law from FAA they can get away with a vehicle that carries a very small amount of extinguishing materials. This is a case where they feel complying with just a minimum in regards to regulations is probably not a good idea. He went over some of the features that are available and will be determined by the firefighters what they will need. The firefighters are provided by the County to operate the vehicles that the City owns and they will be involved in the specifications of this vehicle.

Mrs. Zudans asked if she was correct in saying that they have one of the busiest small traffic regional airports and this basically is for safety and something that the Airport has needed for a long time. Mr. Scher told her that was correct.

Mr. Neville asked if it would benefit from an insurance standpoint if they have a more capable vehicle. Mr. Scher explained that one of the questions asked every year from the insurance company is do they have active ARFF participation.

Mr. Falls added that this vehicle resides at the Fire Station on 43rd Avenue and this vehicle is included in the Airport's Five Year Capital program.

Mayor Cotugno opened the public hearing at 9:27 a.m.

Mrs. Barbara Ruddy asked if any of these costs are passed on to the aircraft facilities located at the Airport.

Mr. Scher said they could do that. He said there are a lot of ways that an airport can impose fees on aircraft operations to recoup some of their expenses. In his opinion these are things that they provide just to keep the Airport vibrant. The Airport is a big contributor to the local economy and provides many jobs in the area. If they go back to 2019 the Airport was the sixth busiest Airport in Florida in terms of the number of takeoffs and landings and 41st in the entire country. He said since the pandemic these numbers have dropped off and they have not recovered like some other airports have because of other things that have happened. He brought up the sale of Flight Safety. When Flight Safety was operational they had close to 500 students' full time and that number with the new company has dropped to around 200 students full time.

Mrs. Zudans asked if they were to consider charging private jets coming in how that would be done.

Mr. Scher explained there are a number of different ways to do that. They could charge landing fees and the weight of the airplane. He is not a big fan of doing this because sometimes pilots will not go to certain airports simply because of the landing fees that are being charged. He said they have to be very careful with their fee structure at the Airport because they are a federally obligated airport and they use federal money for the upkeep of the Airport and in turn they promise the FAA that they will not unduly restrict traffic at the

Airport. The FAA tends to look at landing fees and other fees that are not unilaterally across the board as a restrictive measure.

Mr. Falls added that the Airport operates on revenues collected at the Airport and is self-sufficient.

Mayor Cotugno closed the public hearing at 9:32 a.m., with no one else 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.

5. PUBLIC COMMENT (3-minute time limit)

Mayor Cotugno commented that anyone speaking under public comment will be given three (3) minutes to speak and he would like to know if they are a City or County resident.

Mr. Bob McCabe congratulated the three (3) new members to the City Council and the new Mayor and Vice Mayor. He said as Chair of the Vero Beach Chamber of Commerce he would like to give a shout out to Mr. Falls and the City staff on the great job that they do. He said Sunset Saturday that was recently held went well and the next one will be on December 10th and he hoped everyone would be able to attend. Also, the Sunrise Rotary Club is sponsoring the Christmas Parade this year, which will be held on December 3rd. He said because of the storm the route has been slightly changed.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Discuss New City Council Meeting Day – Requested by Councilmember Tracey Zudans

Mrs. Zudans brought up that the County Commission meets on Tuesdays at 9:00 a.m., which conflicts with their City Council meetings, which also meets on Tuesdays at 9:00 a.m. She requested that they look at meeting on a different day and also look at having evening meetings as well. She said they could consider meeting on Monday instead of Tuesday. She just wanted to have a discussion on this. They could even consider having one day meeting and one night meeting.

Mr. Carroll commented that it is common for the Council to meet with staff on Monday morning to discuss the upcoming City Council meeting. He likes having the Council meeting on a Tuesday because that is what the public is used to, but has no problem changing the time of the meeting.

Mrs. Zudans brought up that the Code only requires that they meet once a month. She just wants to give the community more access to attend their meetings.

The question was asked if the conflict is because of the time or the day of the meeting. They could hold their meeting later on in the day if the conflict was because of the time. Or they could move the meeting to a different day.

Mrs. Zudans explained that it is both a timing issue and a day issue. She would like to see the meeting held on Monday morning or they could look at having one meeting in the morning on Monday and one meeting in the evening on Monday.

Mr. Carroll thought that would be a problem because of how many Holidays fall on Monday.

Vice Mayor Moore did not see why they could not move the meeting to later on during the day on Tuesday. She suggested meeting at 1:00 p.m.

Mr. Falls commented that staff will accommodate meeting any time that Council wishes, but after attending Council meetings for the last 30 years it has been his observation that if someone is interested in an item that is being heard they will attend the meeting no matter what time it is being held.

Mr. Neville asked if staff has had time to review this matter.

Mr. Falls suggested allowing staff to put together some pros and cons on meeting times and days and then put it on a future agenda for more discussion. Council agreed with bringing this matter back at a future meeting.

Mayor Cotugno brought up the Commission and Board meetings that occur on a frequent basis. He said that the City Attorney is working solely by himself and he has a time constraint on what he needs to get done. He realizes that there are some statutory obligations where they have to have certain Boards, but there are some voluntary Committees that they could look at. He would like to have a discussion to see if Council agrees instructing these Committees to discuss certain items and until further notice the scheduled times of the Committees be suspended. He asked that this item be brought back and discussed at their December 6th City Council meeting.

Mr. Carroll brought up that having served on two (2) different City Boards for two (2) years each he knows if there is no business to discuss then the meeting is cancelled. He said that could be done across the board for all of their Committees.

Mrs. Zudans asked staff to come back with a list of the Commissions and show Council when the last time these Committees have met and how effective they are. She said there are some staffing issues, as well as finding volunteers to serve on some of these Committees.

Mr. Carroll commented that Boards are important to their City because it is a place where they are in training to possibly become a City Councilmember. He said without having Boards they would not be training people to come and take their places as a Councilmember. If they sunset these Boards they are reducing the opportunities for future leaders. They need to be careful on what they decide to do down the road.

Mrs. Zudans felt that there were other ways to train the community. She said like learning their history and what the different departments do in the City. Also, serving on a Statutory Board would be good training.

Vice Mayor Moore commented that all of their Boards and Commissions meet during the day and people have jobs. She said unless they change the time when these Boards and Commissions meet they will continue to have a hard time attracting people to serve on their Boards.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) New Committee Appointments 2022-2023

The City Council made their Committee Appointments for 2022-2023 (attached to the original minutes).

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

Mr. Falls said that he looks forward to working with the new City Council.

Mr. Neville asked Mr. Falls to give an update on their beaches and the Riverside Boat Launch.

Mr. Falls reported that construction on Conn Beach will start next week. He said that work needed at Humiston Beach is probably damaged beyond repair. They have posted no trespassing signs and are asking the public to stay away from it because it is not safe. They are working on getting proposals for the Riverside Boat Ramp. He explained that the dock broke in two. The docks will remain closed until the new docks are installed. He said that Macwilliam Park is still open for people wanting to take their boat out in the water. They are looking at seeking money from FEMA in order to pay for repairs of some of these things that were damaged in the storm.

Mr. Falls gave an update on waste pickup. He said that the City is working with their debris contractor who is helping the City with the debris pickup and then the City will be back to their normal schedule next Wednesday. Because of the Thanksgiving holiday there

will be on trash pickup for residential customers on Thursday or Friday. He said that their commercial collection will remain on schedule during the Thanksgiving Holiday.

10. CITY ATTORNEY MATTERS

A) Sunshine Law Presentation

Mr. John Turner, City Attorney, gave a Sunshine Law and Public Records Law presentation (attached to the original minutes).

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno wished everyone a Happy Thanksgiving. He reminded the public to come out for Downtown Friday and participate in the Christmas Parade that takes place on Ocean Drive. Also, on December 4th the Aerial Circus will be held.

B. Vice Mayor Moore's Matters

Vice Mayor Moore talked about her experience with ORCA. She said her business sponsored a pollution mapping site and they were able to go into the Lagoon and take samples of muck and water samples and then they went back to ORCA's lab and ran the tests for all the different chemicals in the water. She encouraged businesses and volunteers to get involved with this. She said it occurs four (4) times a year.

C. Councilmember Zudan's Matters

Mrs. Zudans thanked the community for their support in the recent Election. She said that she has an open door policy for anyone that wants to meet with her. She also thanked Mr. Taylor Dingle for being her appointee on the Utilities Commission. She hoped that everyone had a Happy Thanksgiving.

D. Councilmember Carroll's Matters

Mr. Carroll commented that they have been mandated by the public to move forward with the Three Corners project. He has requested to receive some documents from Mr. Falls on the environmental conditions of the site. It is important that they be reviewed to see if there were any red flags that could circumvent in moving forward with the project.

Mr. Carroll brought up the parking problems on the beachside area, as well as in the downtown area. He hoped that they could bring their ideas on how to address this matter. He suggested encouraging golf carts, scooters and bikes to be used in this area. He is surprised on how many golf carts are being used and sometimes they are illegal. He felt that the law needed to be revised. They need to continue looking at the Twin Pairs and the fast traffic that continually exists. He is looking at the members who serve on their Boards

and Commissions and how long they have been serving. He felt that other people should be given an opportunity to serve and maybe they should look at having term limits. He suggested that after two (2) terms they give someone else a chance to serve.

Mr. Carroll brought up protecting the neighborhoods. He said that the planned parking lot on central beach is a travesty. They need to work with Mr. Jeffries in coming up with some overlay districts on central beach and come up with an overlay district in the downtown area. They need to make sure that property rights are protected.

E. Councilmember Neville's Matters

Mr. Neville told Mr. Carroll that he supports everything that he just said and will work with him in the public to make those things happen.

Mr. Neville wished everyone a Happy Thanksgiving. He thanked Mr. McCabe and Mrs. Minuse for serving on the City Council and hoped to see them in the future.

Mr. Falls mentioned that the Vero Beach High School football team will be in the playoffs this year and will be playing in Vero Beach against Osceola on Friday night.

13. ADJOURNMENT

Today's meeting adjourned at 10:25 a.m.

/tb