

**CITY OF VERO BEACH, FLORIDA
JANUARY 3, 2023 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

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.

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – December 6, 2022

Vice Mayor Moore made a motion to approve the December 6, 2022 minutes. Mr. Carroll seconded the motion and it passed unanimously.

2. City Council Special Call Minutes – December 13, 2022

Mr. Carroll made a motion to approve the December 13, 2022 Special Call minutes. Vice Mayor Moore seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

There were no changes to the agenda.

B. Proclamations and recognitions by Council.

There were no Proclamations presented at today's meeting.

3. CONSENT AGENDA (include amount of expense)

A) Commercial Lease Agreement between City of Vero Beach and Avis Budget Car Rental, LLC and Memorandum of Lease

Mr. Neville pulled item 3-A) off of the consent agenda. He said that in Section 4(a) there are different figures identifying what the lease space will cost. He asked for clarification.

Mr. Todd Scher, Airport Director, was not sure how that happened, but he could see the confusion.

Council agreed to bring this item back at their next City Council meeting.

Mr. Neville asked the Airport Director to give an update on Breeze Airways.

Mr. Scher commented that Breeze Airways plans to make a big announcement today on where they will be flying and the costs to fly. They plan to begin flying out of Vero Beach on February 2, 2023. He said there were only a couple of things that the City still needs from Breeze Airways according to the City Ordinance in order for this to happen. He said there is an area being leased by Breeze Airways that will be under a separate license agreement.

Mr. Monte Falls, City Manager, expressed that staff will be meeting this week to hammer out all the details and will bring something back to the City Council at their next meeting.

- B) Award of Bid for Airport Terminal Generator (FDOT #450372-1, Accurate Power and Technology \$215,387.48)**
- C) Law Enforcement Support Office Program (LESO)**

Mr. Cotugno made a motion to approve items 3-B) and 3-C) on the consent agenda. 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 Code of the City of Vero Beach, Chapter 58, Article II, Division 4, Police Officers' Retirement Fund; Providing for the value of Accrued Sick and Annual Leave Payment received at retirement to be included in Salary; Providing for Discretion to invest in Alternative Asset Classifications; Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date.**

The City Clerk read the Ordinance by title only.

Ms. Cindy Lawson, Finance Director, explained that pursuant to the ratified collective bargaining agreements a police officer's pensionable salary now also includes the value of any medical leave from a pension member's "frozen account" in excess of 120 days at the time of a pension member's available balance as of October 1, 2012. Any such values will

be included in the members final benefit calculation at such member's base rate of pay at the time of retirement with the corresponding member pension contributions being automatically deducted accordingly. She said this effects about five (5) police officers and will actually lower the City's contributions to the Police Pension.

Mrs. Zudans made a motion to approve the Ordinance. Mr. Neville seconded the motion.

Mayor Cotugno opened and closed the public hearing at 9:09 a.m. with no one wishing to be heard.

The Clerk polled the Council on 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

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Susan Gromis, Executive Director of MainStreet, commented on the Twin Pairs. She said while the changes recommended for the Twin Pairs are not an end all they would be a first step to revitalizing and making a presence in the downtown area.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Discussion to amend the City of Vero Beach Zoning regulations to include another beachside overlay district – Requested by Councilmember John Carroll

Mr. Carroll gave a Power Point presentation concerning having another beachside overlay district. He thought what should be done is the matter should be taken to the Planning and Zoning Board to discuss coming up with an overlay similar to what was done on Ocean Drive. He said that overlay district was to help with the development that was not happening at that time.

Mrs. Zudans wondered if this was being brought up to circumvent the issue of the parking lot that was brought up earlier this year.

Mr. Carroll commented that he was thinking about the parking lot among other things. He said that the most successful communities give credits for things being done. He said they might want to look at that.

Mayor Cotugno felt that this was a worthwhile subject to be discussing potentially for other areas. He suggested having a workshop to discuss this when their Planning Director has

returned from his vacation. They can get the pros and cons of having another overlay district and receive Mr. Jeffries comments about doing this.

Mr. Carroll was amendable to doing that. He mentioned that there were a lot of areas in this City, including downtown that could use an overlay type district.

Mr. Neville suggested having some professional recommendations presented at this workshop.

Mr. Falls agreed with having a workshop on this matter, but felt having professional recommendations might be premature. He said that they should probably get the public and Councils' input and then summarize the areas that they are going to identify for the overlay district.

Mrs. Zudans mentioned that the zoning in some areas is antiquated and needs to be looked at so this would be a good start.

Council agreed that they would have the Clerk schedule a workshop to discuss this matter.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) New Appointments to City Commission/Boards

Mr. Neville mentioned that with some of the commission applications he received they were not complete. He said they must have been two (2) sided and Council only received the first page of the application.

Mrs. Tammy Bursick, City Clerk, said that she would bring the applications back for consideration at their next City Council meeting.

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

A) Discussion Regarding Rent Deferral for Seaside Grill Lease

Mr. Falls reported that since the beginning of the Seaside Grill Lease period in June 2022, they have experienced numerous and costly delays due to the extensive improvements required to the building in order to obtain permits to operate the restaurant. This includes rework of electrical and plumbing systems, the kitchen hood/ventilation system and the requirement to replace the roof. Despite these delays they have paid their \$8,000 monthly rent on time with no income from the property. Staff is recommending that Council provide them with some relief by granting them a rent deferral of three (3) months (January – March

2023), with catch-up payments for deferred rent in April – June 2023 (in addition to regular payments).

Vice Mayor Moore asked if there was a reasonable expectation that they will be able to get it open in three (3) months.

Mr. Neville asked if the new leaseholders have done due diligence in having the property surveyed.

Mr. Falls commented that as the renovations began to take place different things continued coming up that needed to be fixed. These things are hard to see while the restaurant is in operation.

Mayor Cotugno asked about the hood. Mr. Falls said that he would let Mr. Studebaker talk about that.

Mr. Andy Studebaker explained that for the first few weeks they did whatever that they were able to accomplish. Then they ran into all sorts of problems. The hood was the biggest issue. It was nowhere near compliance. So they had to take it out, which brought up the roof that was not up to Code and had to be completely replaced. He said if they didn't have to platform the hood then it would not have been as big an issue. At the moment they are waiting for permits to come through for the roof and then they think that things can get done within the next few weeks. They anticipate opening within a month or so.

Vice Mayor Moore commented that she feels bad that they are paying rent all of this time and are basically spending money bringing the City's building into compliance. Then if they don't get open in three (3) months, after three (3) months they have to pay double rent. She asked if the City could just "forgive" for the next three (3) months. She asked if they had to make Mr. Studebaker pay the money back. She said it is pretty standard in restaurants where you go in and get a few months of free rent to have time to do what needs to be done.

Mr. Falls said that staff would not be opposed to that if that is Council's wishes.

Mr. Neville agreed with doing that. He said that Mr. Studebaker has suffered a lot because of different reasons and none of their doing and the public is anxious to get the restaurant open. He is in favor of real relief and not deferred relief.

Vice Mayor Moore made a motion to grant rent forgiveness for the next three (3) months.

Mr. John Turner, City Attorney, advised Council that the reason to do this has to be for a public purpose and if they find this is a public reason or justification then it would be appropriate.

Mrs. Zudans recommended deferring it for three (3) months and at that time revisit it and then discuss at that time if they are going to give forgiveness.

Mayor Cotugno entertained a motion to forgive for 90-days and then revisit the matter.

Mr. Turner stated that the motion should be structured that they would be deferring any rent for three (3) months and at the end of that period they will revisit as to the rent and whether recognition will be given for waiver of the amounts due. He reiterated it has to be based on a public purpose or reason and if that is met then they can proceed in their discretion.

Mrs. Zudans made a motion that they defer for 90-days and then revisit the question as to whether the further rent for any period of time would be waived. Mrs. 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) Legislative Delegation Update

Mr. Falls reported on the Legislative Delegation meeting that will be held on January 12th in the County Commission Chambers. They will be able to address their local delegation, who are Senator Erin Grall and State Representative Robbie Brackett. The list of things that the City would like them to assist them with in Tallahassee for funding appropriations are for the advanced Waste Water Treatment Plant, possible funding obligations for the canal water irrigation projects, structure of the Tourist Development Council and the utility transfer to the General Fund.

C) Twin Pairs Update

Mr. Falls reported that Mr. Mitts met with the Florida Department of Transportation (FDOT) regarding picking the lane reduction application for SR60 back up. He is currently discussing a revised cost from Mr. Brian Good/Kimley Horn & Associates to conduct a lane reduction application based on FDOT's feedback. The biggest concerns from FDOT are the timeliness, public support and scope of work. They need to restart the lane reduction process and update all the aspects of the study subject to current FDOT design standards. The prior study started in 2013 and was updated in 2017, but considered too far out of date to salvage. A resolution of support from Council is needed with submittal of the application. For a schedule they are looking at an 18 month timeline for review and approval upon submittal of the lane reduction application. FDOT is scheduled to select a consultant in July 2024, and construction should begin in 2027. Restriping would be the simplest scope of work and may not delay selection of a consultant. However, moving curbs, wider sidewalks, etc., would complicate the scope of work for the consultant selection. For public meetings the City needs to garner public support by holding public meetings prior to the lane reduction application at their expense. One (1) meeting would be insufficient. The recommendation would be a minimum of three (3) meetings. There would be two (2) meetings to garner input and one (1) meeting with Council to present findings and obtain a resolution of support. They discussed installing temporary barricades

to simulate lane reduction as a “trial period,” but that could not be done until after approval of the lane reduction application. The City is responsible for anything beyond the scope of the work for a 3R project. This includes public meetings for the lane reduction application and FDOT would be responsible for the meetings during their design and construction phase.

Mayor Cotugno brought up the application process and said it would be delayed 18 months.

Mr. Matt Mitts, Public Works Director, stated that it could possibly delay the FDOT project by 18 months. He has not been given a firm answer from FDOT as to whether or not they will need to delay the project.

Vice Mayor Moore said so if they did ask for a lane reduction the answer might be no. Mr. Mitts explained there could be a technical factor that they site for not doing it.

Mayor Cotugno commented that if FDOT rejects the application it would be faster than waiting 18 months and then have them say no. Mr. Mitts said that would be the first thing that FDOT would do after the City submits the application. They understand the impact of the community and that this would be coming with a resolution of support from the City Council.

Mr. Mitts discussed the temporary barricades and said that FDOT stated that the application would have to be approved before it is tested. The “trial period” would be for public education. The City would need to come up with a maintenance plan for this lane reduction test. Their design consultant would come up with a plan and have it reviewed by FDOT. He said that FDOT is very concerned about liability. The money would need to be spent on the study before the “beta testing” is done.

Mr. Neville asked Mr. Mitts if this was by rule or by preference. He said if it is not by rule then it is by preference. If it is by preference they can influence them to change it. His argument is if they do the test and it becomes successful then the public meetings will be vastly different. They are talking about a half mile of pavement and the amount of time that it takes to transition, which would be roughly 41 seconds. If they reduce that time then they would dramatically change this City. They have to be forward about the issue of getting this done. If it won't work then he will be the first person to say abandon it. He said no one is talking about expanding US 1 and US 1 has over 23 thousand transients a day and Highway 60 has roughly 18,000. If they are not having trouble on US 1 with 20% more traffic is there really a big problem with Route 60. As a Councilmember he will be a little bit forceful as this goes forward and hopes that the rest of the Council would also be. They could write a nice letter saying that they support this and the traffic will not be dramatically changed.

Mayor Cotugno understood Mr. Neville's passion behind this, but the issue is there has to be a traffic study and one cannot be avoided. He said FDOT will base this on a traffic study because it limits their liabilities and if something goes wrong they can look at the traffic study and say this is the reason that they did it.

Mr. Neville pointed out that the traffic study and the cone study were two (2) entirely different things.

Mayor Cotugno explained what is involved with a traffic study.

Mrs. Zudans asked where would the cones start and where would they end.

Mr. Mitts thought they would start before the rail at City Hall and end at the other side of the rail, but that would be up to their consultant.

Mr. Carroll commented if they wanted to mimic what the plan is (Kimley Horn study) they would take the right lane and turn right and it terminates at the Post Office and then the left lane turning left would terminate at Jetson Appliances.

Mayor Cotugno asked what has FDOT agreed to do if nothing is changed.

Mr. Mitts stated they have agreed to reduce the speed limit, narrow the travel lanes to accommodate the bike lane, install a pedestrian crossing, install traffic radar signs, modify the pedestrian crossing signs and safety improvements that they have lobbied for.

Mr. Neville commented that apparently FDOT looked at the amount of traffic in front of the Courthouse and over to the south side of 20th Street and did not see a lot of foot traffic. As engineers there is a little fallacy in their thinking. He said if they did have suitable crossing then they probably would see a lot more foot traffic. They need to press hard to have a crossing near the Court House.

Mayor Cotugno asked Mr. Mitts if moving curbs and widening sidewalks would complicate this work. Mr. Mitts said it would. Mayor Cotugno asked if that would extend the 18 month period. Mr. Mitts answered no. He said the 18 month review period is for whatever the City proposes. He said FDOT wants to do whatever the City wants and what the City's interests are. He said moving the curb would not delay the lane reduction process, but it would most likely delay their 3R project.

Mayor Cotugno asked if any of this work needed MPO approval. Mr. Mitts was not aware of a requirement that it does. However, Kimley Horn has said in addition to having public meetings and one (1) meeting with Council that they have another meeting with MPO.

Mayor Cotugno asked if these public meetings would be similar to the charrette process that they had for the Three Corners project. Mr. Mitts said the meetings would be very similar to the ones held for the Three Corners project. They would be asking the public what they want to see regarding this project and then come back to Council and show them the latest design that will be presented.

Mayor Cotugno commented that FDOT design work restricts flexibility. He said if a bike lane is built today it would need to be seven (7) feet wide. He asked where would wider

sidewalks and parking mutually coexist and where could they not coexist. Mr. Mitts explained that the previous studies did not consider moving the curb line, which means making the sidewalk wider.

Mrs. Moore stated that her understanding was parking would be a striping issue so FDOT would pay for it and with wider sidewalks the City would have to pay for them.

Mr. Falls commented to be fare FDOT has never said no the lane reduction. They have constantly asked what does the City want. The City made a decision not to pursue a lane reduction and asked for safety improvements and that is where they were and now they are looking at revising this issue.

Mayor Cotugno referred to the Kimley Horn study that was done in 2013 where it references the cost to be \$1.5 million to make the changes. He asked Mr. Mitts if he could explain what those costs entail.

Mr. Mitts explained that is what the cost would be if they did it out of cycle and the City made an application to modify State Road 60 on their own.

Vice Mayor Moore said that they always have an option to go back later and add bulb outs.

Mr. Mitts explained they could do that, but it would be cost inefficient.

Mayor Cotugno asked if the updated study from Kimley Horn would include the traffic study. Mr. Mitts said it would include the traffic study. The cost for another study from Kimley Horn would be between \$125,000 - \$150,000. He made it clear that the study was not being updated. He said Kimley Horn would need to do a new study. They need the study in order to move forward with the application.

Mrs. Zudans commented what they were not addressing here is that they need to go back and make the downtown business community friendly and put a focus on changing coding and zoning and density to make it business friendly and enticing to the community to come in and participate. She said they have already raised taxes, started a stormwater utility, raising the water and sewer rates and now they want to spend almost \$200,000 for another study and delay the project for another 18 months. She said by doing this lane reduction they are putting the cart before the horse. They should be figuring out how to build downtown and make it business friendly and do all of the safety items that FDOT is willing to pay for and see that the calming happens.

Vice Mayor Moore disagreed with Mrs. Zudans. She said what she is hearing is that they shouldn't be spending \$150,000 now, rather than spending millions of dollars down the road. They should begin with the lane reduction first.

Mayor Cotugno agreed with both Mrs. Zudans and Vice Mayor Moore. He said another part that is needed for downtown is maybe having an overlay district and making it more of a walkable downtown. The other part of the issue of revitalizing downtown is to get

people to reside in downtown and want to be in downtown. He said while the Twin Pairs discussion is part of the discussion, there is an overlay discussion, private/public partnerships to encourage that and there are ways to improve downtown and encourage people to go down there.

Vice Mayor Moore stated that they do not have the luxury of waiting because they need to decide on the Twin Pairs today.

Mayor Cotugno went over some of the things that they could do now. They could work together as a City Council to put together a plan on how they want to invest in their downtown. He said why don't they look at this as an opportunity that the City has to revitalize downtown. He said doing this now does not solve the walkability issue because the sidewalks are not being widened. He said that downtown is surrounded by neighborhoods and they need to remember how traffic affects neighborhoods. They need to look at the whole plan instead of just solving one thing.

Vice Mayor Moore explained that the fact of the matter is if they don't eliminate lanes now they don't eliminate lanes for the next 25 years.

Mayor Cotugno said not necessarily because they could do it themselves. Vice Mayor Moore said for a million dollars they could do it themselves.

Mr. Carroll commented that it would be great to have a holistic plan, but that holistic plan should have been created in 2017. There are five (5) people on this Council that want to make a difference and now is the time. They cannot let this opportunity pass them by.

Mrs. Zudans stated at the MPO meeting when this was brought up they said if a lane is reduced they will have to gain a lane somewhere else. This will affect the neighborhoods that are on the outskirts of downtown.

Mr. Carroll stated that the reports clearly show that it is a minimal impact.

Vice Mayor Moore commented that if they are eventually talking about building a bridge over Aviation Boulevard that will be the only place that will not be impacted by trains then traffic will go over there because they won't have trains to deal with.

Mrs. Zudans commented that the chance of that overlay happening in a timely manner is slim. She suggested moving ahead with the three (3) meetings to see what the community has to say.

Mr. Neville acknowledged that 58th Avenue, 66th Avenue and Oslo Road have all been widened. He said with traffic heading south people are not taking Route 60 the way they used to and people heading north do not go all the way to downtown. They cut through at 27th Avenue or McCansh Park, which will always be the case. He felt the amount of traffic will stabilize instead of increase. People are moving north as opposed to east and west. They need to move forward quickly and to get the study authorized, and find the funds to

get this done. Then if they do the cone study, then they can have the public meetings, they will have something to present.

Mr. Mitts reiterated that they needed to submit the lane reduction application prior to doing the cone study.

Vice Mayor Moore asked if a motion was needed to authorize the funds for the Kimley Horn study.

Mr. Falls explained if Council wants to move forward with the lane reduction application then there has to be a study done. He will bring back a proposal from the engineer they select to do this work. He said there are two (2) firms to choose from. He said that Kimley Horn did the last study so chances are they will be selected to do this study. He will bring back a proposal and then they will move forward with the study.

Mrs. Zudans felt that the public meetings should be held first to see what the community wants.

At this time, Council took a 10-minute break and the meeting resumed at 10:45 a.m.

Vice Mayor Moore disclosed that she owns a business one block south of the Twin Pairs going eastbound and does not have a conflict of interest in voting on this item.

Mr. Turner agreed after doing some research that he did not think there was a conflict of interest when it comes to Vice Mayor Moore voting on the reduction of the lanes.

Mayor Cotugno asked Mr. Mitts based on his conversations with FDOT what do they require at this time.

Mr. Mitts stated that if Council moves forward with the interest in proceeding to have a lane reduction they will work with the consultant in getting the application and meet with FDOT again and drill down the scope of work and work order that needs to be issued.

Vice Mayor Moore asked if Kimley Horn will be conducting the public meetings. Mr. Mitts said that they would.

Mr. Falls added that was part of the proposal that Kimley Horn would be doing the public meetings in order to explain their layout. They will now move forward to accomplish the task.

Vice Mayor Moore made a motion to proceed with the application for the lane reduction with all possible haste. Mr. Carroll seconded the motion.

Mrs. Brooke Malone commented that if they go to google and type in traffic study yield there are nothing but success stories. She said that the City of Vero Beach used taxpayer's dollars to spend money on this in 2002, 2013, and in 2017. She realizes at that time that

none of the sitting Councilmembers were in place and it was not their role. However, it is their role now. Whoever was on Council in 2002, 2013, and 2017, kicked the can so far down the road that FDOT has scheduled this to proceed without their input. She said that is shameful and it is not okay. Now, they are either going to continue to let FDOT continue with the plans that they have already made because of these last three (3) studies or they are going to charge the consultant with doing another traffic study and create recommendations for pedestrian oriented streets and tell the FDOT what they want. She invited everyone to jot the name down of Mr. Jeff Sigler. He is a blogger and workshop organizer for an organization called "Revitalize or Die." She asked the public to take some time to read what he writes, which is brilliant. She mentioned that at the French Quarter in New Orleans there are no parking decks and no additional parking. But, the area is always packed with people because they find a place to park. She asked Council not to delay this until the next person gets hit by a car trying to cross State Road 60.

Mr. Barry Shapiro commented that he has an art studio downtown and he used to own a business on 14th Avenue. He recalled that the Twin Parks has been discussed before and it is something that should have happened when it was discussed in previous years. They need a vibrant downtown and a downtown conducive to businesses and the only way for that to happen is if people visit the businesses. They need to move forward on this. He realizes that it will cost money, but everything costs money. He said lets spend some money now and get this done and make a difference rather than pushing it down the road again.

Mr. Roberto Salezo (spelling may not be correct) said that he rides his bike everywhere and adding a bike lane is important because of safety. He said that 15% of the cars are going over the speed limit. He felt there was an urgency to get this done.

Mr. Peter Poke, Board Member for the Arts Village, and a registered professional engineer who has a lot of traffic and transportation experience, said if FDOT thought a lane reduction would not work they would have told you by now. They look at roadways so they don't get overloaded. When looking at downtown it is hard to believe by making it more pedestrian friendly that it would hurt businesses. He said that is very unlikely. It is more likely to stimulate business. The lane reduction study will open opportunities on what could and should happen in the downtown area.

Mrs. Barbara Ruddy commented that it was hard to find charm in walking in four (4) lanes of traffic. She encouraged Council to do this study to get the results and move on.

Mrs. Anna Brady stated that she lives in a National Registry District in the Osceola District of Vero Beach. When this was discussed in 2002, she didn't have any wrinkles and she doesn't want to be here when she is 75 looking back saying they could have done something in 2022. She encouraged them to do this study. She said it might not be the ideal way to do it, but it is right. She has lived in the downtown area since 2004 and has worked hard in recognizing their historic neighborhoods. She said it didn't come without disappointment, but there have also been some wins. She recently walked the downtown area and noticed how much it has aged. The pavers are falling apart, the trash cans are

rusted, and the lights look terrible. She has traveled all over the world and has seen what downtowns can look like. She said by having a lane reduction would make her feel more comfortable walking in this area. She said right now it is not pedestrian friendly crossing the Twin Pairs. She brought up that there is an overlay district in downtown. She said it doesn't mean that the overlay district doesn't need updated and looked at. She said when they do that she would strongly encourage them to also think about their historic district and they are not protected down there. She served on the Historic Preservation Commission and was involved in getting the Ordinance established. The City has opportunities to apply for a grant up to \$50,000 in the State of Florida without a match because they are a local certified government. They can hire consultants to update the historic survey to help identify the resources.

Miss Courtney Cotherman who is a recent homeowner said that she bikes everywhere and she wants to be in a safe community. She works in the downtown area and encourages Council to move this forward.

Ms. Vicky Gould commented that she grew up in Vero Beach and remembers when the Twin Pairs came into being and it changed downtown so much for the worse. The Twin Pairs is not good for pedestrians or bicyclists. She expressed how shabby their downtown area has become. They need to invest money in their downtown and make it walkable. She said things will continue to get more expensive if they continue to kick things down the road. If they don't do something now then these things will not happen. She said lets do what we can right now and this could be their legacy. They could be the ones that don't kick the can down the road.

Mrs. Irina Wolfe commented that she sent out a survey where 375 people participated and 60% of those people who participated in the survey agreed that narrowing the lanes downtown would make it a much more walkable place.

Mr. Gene Waddell was happy to see the presentation made by Mr. Carroll on the overlay district. He said it is full of unintended consequences. He said when moving forward with this he agrees with the holistic approach. He said when moving forward that Council doesn't forget and sacrifice their neighborhood communities. He hoped that Council wouldn't just throw them under the bus when doing this project.

Mayor Cotugno closed public comments at 11:16 a.m., with no one else wishing to be heard.

Mr. Neville commented that it is clear from the audience that they would like this to occur. He encouraged them to step up and move this forward.

Mr. Carroll commented that when this matter was discussed in December he provided a lot of documents and one of the documents included approval of this lane reduction from one of the earlier studies done. He thought it was in 2002, which was 20 years ago. He felt this would be great for downtown.

Mrs. Zudans was all for revitalizing downtown. She would like to see more discussion on this with the community. She doesn't want the neighborhoods outside of downtown to be collaborative damage. She felt they could look at revitalizing downtown now without the lane reduction being done at this point.

Vice Mayor Moore expressed if they approve the study today there will be public meetings and discussion. This will not happen within 18 months and they have time to come up with other ways to improve downtown.

Mayor Cotugno commented that he appreciated the debate and dialogue of the Council in discussing this. His fear is that they set a precedent of what was already been addressed by a previous Council and they are opening up Pandora's Box in litigating anything that has happened with past Councils.' Previous City Councils give staff direction and money to get something done. Then there is an election every year and the new Council has the opportunity to reverse what a previous Council has done after giving direction to third parties to execute action plans on behalf of the City. He feels that a plan is needed for downtown and this is not a plan, but an aspect of a plan. He cautioned this Council to keep an open mind if FDOT comes back and says this is a significant impact for neighborhoods after doing the traffic study. If data shows something different then what they want that they would be willing to step up to the plate and say maybe this is not the right decision to make.

The Clerk polled the Council on the motion and it passed 4-1 with Mr. Neville voting yes, Mr. Carroll yes, Mrs. Zudans no, Vice Mayor Moore yes, and Mayor Cotugno yes.

10. CITY ATTORNEY MATTERS

A) Florida Ethics Commission Complaint – Retaining Outside Counsel

Mr. Turner reported that there is a complaint that was filed with the Florida Ethics Commission. He said when a complaint like this is filed it is by State law deemed confidential. He has to be careful in discussing this at a public meeting. He is here to ask Council's permission to retain outside counsel to represent two (2) employees of the City of Vero Beach and another person who is a volunteer citizen who was a member on one of their advisory committees. These three (3) individuals are subject of a complaint that was filed to the Florida Ethics Commission. He said after reviewing the complaint he finds it to be without merit, but it still has to be addressed and handled in a professional way by an experienced attorney that handles these types of cases before the Florida Ethics Commission. The reason he is asking for this at a public meeting is because under Florida case law these individuals are entitled to representation at the expense of City government. The allocations that arose in the complaint came about after these individuals were performing their official duties on behalf of the City. The individual filed a complaint that alleges these individuals have violated the ethics law of the State of Florida. He said that he could have a conflict in the matter since the City Attorney was involved in representing the advisory board which one of the City citizens served on. He has done research and

has contacted Ty Jackson who is with the firm of Gray Robinson out of the Tallahassee office. He is an experienced attorney in these particular matters. Under their arrangement with the Florida League of Cities reimbursement of up to \$25,000 will occur for the outside counsel being hired. He said that is all he feels comfortable discussing at a public meeting.

Mr. Carroll asked if this retainer agreement was based on an hourly rate. Mr. Turner said that it was. He expressed they were being given a discount because they are a government and a former client. He hoped that the \$25,000 would cover all the costs and the Ethics Commission would dismiss the complaint.

Mr. Carroll made a motion to retain the firm of Gray Robinson to handle this Florida Ethics Commission complaint and to proceed with defense of the case. 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.

11. COUNCILMEMBER MATTERS

A. Mayor Cotugno's Matters

Mayor Cotugno wished everyone a safe and healthy New Year.

B. Vice Mayor Moore's Matters

Vice Mayor Moore brought up the study for the Twin Pairs and said if something comes up in the course that needs to be worked out then they will address it at the time.

C. Councilmember Zudans's Matters

Mrs. Zudans wished everyone a Happy New Year. She was proud to be serving on the City Council and knows that they all have a great passion for this City and want to do what is good for the community. She said even though they don't always agree on everything the results are that there is plenty of dialogue taking place.

D. Councilmember Carroll's Matters

Mr. Carroll mentioned that he attended his first Treasure Coast Regional Planning Council meeting representing the City. He said that a good presentation was given on Brightline and there may be some grant money coming their way for Indian River County.

E. Councilmember Neville's Matters

Mr. Neville wished everyone a Happy New Year.

Mr. Turner corrected a statement that he made earlier in the meeting and said that there is a possibility that the City will be reimbursed 50% of the retainer fee for Gray Robinson (outside Counsel for the Ethics complaint) from the Florida League of Cities.

13. ADJOURNMENT

Today's meeting adjourned at 11:35 a.m.

/tb