

**CITY OF VERO BEACH, FLORIDA  
FEBRUARY 21, 2023 3:00 P.M.  
REGULAR CITY COUNCIL MINUTES  
INDIAN RIVER COUNTY COMMISSION CHAMBERS, BUILDING A,  
1801 27<sup>TH</sup> STREET, 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 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 – February 6, 2023**

**Mrs. Moore made a motion to approve the February 6, 2023 minutes. Mrs. Zudans seconded the motion and it passed unanimously.**

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

Mr. Monte Falls, City Manager, requested that item 9-C) be added to the agenda “Discussion of the Power Squadron Lease.” He also requested that item 9-A) be moved and heard before item 8) is discussed.

Mr. Carroll asked that under Old Business that the minutes of December 6, 2022 be discussed.

**Vice Mayor Moore made a motion to adopt the agenda as amended. Mr. Carroll seconded the motion and it passed unanimously.**

**B. Proclamations and Recognitions by Council.**

**1) 211 Awareness Month – February 2023**

Vice Mayor Moore read and presented the Proclamation.

3. **CONSENT AGENDA** (include amount of expense).
  - A) **Water Treatment Plant Buildings C, D, & E Door Replacements Bid-Award  
350-22**
  - B) **Award of C166-2023 – Polydyne, Inc. CLARIFLOC-SE-1668V  
Polymer Annual Supply Contract Estimated Annual Expenditure  
\$100,000**
  - C) **Softening Tank No. 3 Repairs Change Order No. 2 – Grove Welders -  
\$49,427.50**
  - D) **Septic Tank Effluent Pump (STEP) System Annual Supply Contract  
Orenco Systems, Inc. Contract 143-2022 Components and  
Dicyclopentadiene (DCPD) Tanks Estimated Annual Expenditure  
\$350,000**

**Mr. Carroll made a motion to adopt the consent agenda. Vice Mayor Moore seconded the motion and it passed 5-0 on a roll call vote.**

4. **PUBLIC HEARINGS**

- A) **ORDINANCES**
- B) **RESOLUTIONS**

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

Mr. Joseph Guffanti talked about the pictures of the Live Oak trees that he presented to Council (on file in the City Clerk's office). He has a friend who lives in the State of South Carolina and in that State they control the Live Oak trees. He said in South Carolina that people can barely touch the Live Oak trees. He referred to the pictures where they could see how the trees were cut back and trimmed and the leaves were still green. He guessed that it was okay for the City and the County to trim Live Oak trees. At the time, he asked someone from the City to come out and look at the trees and that person never showed up. He said it is apparently acceptable for this practice in the State of Florida to trim these trees and no one can do anything about it. He said there were trees being trimmed right here at this facility (Indian River County administration grounds) so it is occurring.

Mr. Neville asked when Council will be reviewing the Tree Ordinance.

Mr. Jason Jeffries, Planning Director, reported that the Tree Ordinance has already been taken before the Planning and Zoning Board and Council can expect to have the Ordinance before them for first reading in March.

6. **CITY COUNCIL MATTERS**

**A) NEW BUSINESS**

**1) Presentation on the new WWII Tribute – Mr. Tony Young**

Mr. Tony Young gave a presentation on the new WWII Tribute. He introduced some of the Team members who have been a part of making this come true. He wanted to show Council the progress that has been made and obtain their continued support.

Mayor Cotugno asked how the funding was coming.

Mr. Young explained that he will not know the exact cost until their Engineer gives them the final figures. He felt that the project will be fully funded after they receive \$50,000. He asked Council for a resolution of support for the WWII Tribute.

**Mayor Cotugno made a motion that the City Council entertains a resolution that the City Council of Vero Beach fully supports the program to dedicate the WWII Monument. Vice Mayor Moore seconded the motion and on a roll call vote it passed 5-0.**

**2) Contractor issues within City limits – Discuss the permitting process through Planning and Zoning as it applies to residential development, additions/renovations, fencing, paving/drainage and off-site impacts. Address timelines, potential delays, silt fencing, portable toilets and parking issues. – Requested by Councilmember John Carroll**

Mr. Carroll explained the questions that he is getting asked are what the policy is for the review process for approving fencing applications and what the timeframe is. This came up at a Code Enforcement meeting held in January. He asked what is the current procedure for the review of single family residential construction and re-permitting. He said ultimately the City Council is asked to amend the fines because of issues with the permitting process. He asked Mr. Jeffries to give them a summary of how the fencing process works from the City's standpoint.

Mr. Falls explained that the County acts as their agent who reviews the building permits. He asked Mr. Jeffries to walk them through what the City has to do to make sure things are constructed in the right location.

Mr. Jeffries explained the process for single family new residential construction is a minor site plan from the City. He said site plans are submitted to the Planning Department for review and a site plan for infill development or redevelopment of an existing house does require a site plan where it shows the location of the house and any aspects of it. The reviews are done by both the Planning Department and the Engineering Department and they are done within a month. Once approval is complete by the City then they are sent over to the Building Department for their review. The Building Department is contracted by the City to serve as their City Building Department. The Building Department cannot issue a building permit until there is a signed site plan approval from the Planning

Department. A fence code compliance permit is reviewed over the counter and then goes over to the Building Department for review, which could take up to five (5) days. If pavers are being done then the Engineering Department would need to review the permit to make sure there are no issues. He said anything dealing with paving would go over to the City Engineer to review and approve. Any easement issues goes to the City surveyor. He explained the situation with the fence that was put up improperly and that the survey was not correct and showed the fence in the wrong location.

Mr. Falls commented from staff's standpoint there was no ill intent to build the fence in that location.

Mr. Jeffries stated that the City worked with the applicant to get it corrected.

Mr. Jeffries explained under the Code there is a minimum threshold for site plan review. Some do not need to go before the Planning and Zoning Board, which includes single family homes and small commercial projects. They are normally just reviewed by the Planning, Engineering, and Water Department and usually take close to 30 days to get completed. Code compliance permits make sure that the zoning codes are being met and are issued over the counter. He benchmarks the progress on how long it takes to get these things done. He said that review of single family homes can take between one (1) or two (2) months. For the last few months it has taken close to three (3) months because of the hurricanes and holidays. Some other projects have taken longer. He recalled there was a developer who wanted to do a private alley and they needed to figure out how to deal with that. He said for the last two (2) years they have been seeing higher permitting volume. The code compliance permits have had an increase of 5% and with single family homes they reviewed it was close to 12 site plans that were reviewed last year.

Mr. Neville wondered if that benchmarking is showing that the Department needs to have more help.

Mr. Jeffries commented that he has been looking at that. He explained that development review takes 70% of their staff time, which means less time can be put towards special programs.

Mr. Neville said that they need to be addressing this issue.

Mr. Jeffries briefly went over the time it takes for a site plan review. He said once the second review occurs they try to expedite that.

Mr. Carroll asked if that was one of the reasons they were going out for demand planning from professionals in the industry.

Mr. Jeffries explained that it will help the Department with some of the projects that they have proposed.

Mr. Carroll said what he was hearing out on the street is that contractors are creating undue hardship in neighborhoods, in addition to required elevation silk fencing installed during construction. There are construction toilets and dumpsters in the right of way, which is a dangerous situation. He showed pictures of what he was referring to (attached to the original minutes). He was wondering if there was anything in the Code that addresses the parking issues, silk fencing and also the placement of dumpsters as shown in these pictures.

Mr. Falls asked for a little time to review these issues and see if their current Code addresses them and they can bring it back for discussion.

**B) OLD BUSINESS**

- 1) Water Reclamation Facility (WRC) – City Council approval at regular meeting April 7, 2020. Date of Design Contract with KH? – Requested by Councilmember John Carroll**
  - a) Engineering Design Budget FY-21/22 for \$1,020,375.00**
  - b) Design Budget for FY 22/23 (current year) \$2,869,813.00**
  - c) Status of Design Plans today**

Mr. Carroll said this project (construction of the Water Reclamation Facility) goes hand in hand with the Three Corners project. He said any delays with this project was going to affect the Three Corners project, which was the most important project for the City. He asked how this project implicates and affects the Three Corners project.

Mr. Falls reported that Mr. Bolton put together an update on where they were with the Water Reclamation Facility, which was delivered to City Council yesterday (attached to the original minutes).

Mr. Rob Bolton, Water and Sewer Director, reported that what was submitted to Council was a little detail of exactly what was approved for design services. Since the time of the original budget in 2020, there have been increases in costs so the budget would be higher than what they were seeing in 2022. The last page has the most current timeline for the design. He said the design should be complete by November of this year. At that point it would go out to bid and they would probably have a six (6) month bid window because of the size of the project. He said they were probably looking at the summer of 2024 and then they would have a three (3) year construction to operation so they were still on schedule for the summer of 2027. He said a three (3) year construction window for the Plant was very conservative. He said within three (3) years they should be able to start decommissioning the Plant at Three Corners.

Mr. Carroll asked why it wasn't spread over that period of time in the Five (5) Year Capital Improvement Plan or Five (5) Year budget forecast. He questioned if this was an oversight that they did not match.

Mr. Bolton said that he did not see what was not matching.

Mr. Carroll said if they look at the spreadsheets that are in the Five (5) Year Capital Program for 2023/2027 it shows that the construction was going to be completed in Fiscal Year 2024/2025, which is different from what they were seeing in the spreadsheet that was provided for the Three Corners project.

Mr. Bolton said what he (Mr. Carroll) was probably looking at was some of the money availability. He said that was to have funds available to pay for construction.

Mr. Falls explained that when they built the chart for the Three Corners project, they used this data that Mr. Bolton supplied to Council with the Plant to fit into the construction schedule with the Three Corners. He explained that their schedule is built on the Waste Water Plant being completed prior to the Three Corners project and the demolition of the Plant on the Three Corners being completed before the grand opening of the Three Corners, which they anticipate being in the summer of 2028.

Mr. Carroll felt that it was the City Council's job to make sure that they review the documents and schedules to be sure that they are comfortable that they are going to hit the target date of 2027 or 2028 and not 2030.

Mr. Bolton said they are on schedule. He said when you look at the cash flow versus the project it looks like the project would be done six (6) months to a year prior to what they are saying it is going to take. He said they would work on a revised schedule, but they are at the mercy of the contracting world so the earlier they get out to bid and have a contract, the better they could control the window for the Three Corners project. He noted that they were going to run into the same issues with constructing the Three Corners project as they are with the Water Reclamation Facility.

Mr. Carroll agreed. He said that he wanted to make sure they were all on the same page as a team.

- 2) **Status of Wastewater Projects required to support WRC including timeline and responsible party – Requested by Councilmember John Carroll**
  - a) **Nutrient Reduction Study**
  - b) **Back-up Water Supply for Future WRC**
  - c) **Stormwater Irrigation Pipeline**

Mr. Carroll said there were a number of projects tied into the Water Reclamation Facility.

Mr. Bolton went over the backup information on the Stormwater Irrigation Project update with the City Council (attached to the original minutes). He reported that they have done the design for the pipeline on the mainland side. They have 100% plans submitted for the mainland portion. They submitted twice to the County and now there is a third submittal. He explained that City staff met with County staff and part of the project requires an interlocal agreement for the use of the Gifford Boat Dock Park. They were hoping to get this before the City Council in April for approval. He reported that John's Island Water

Management would be a third party to the agreement. CHA Consulting, Inc., is 100% done with the crossing design and it is in for permitting. He reported that they were about 80% complete on the plans for the rest of A1A. They hope to have it complete by April and would go out to bid with the bid opening being in July and to Council for approval in the second meeting of August. He hoped they should be online and operating in 2024. He said that they would be finishing up about the time that the Water Reclamation Facility would be starting with construction.

- 3) Three Corners Project – Update on soliciting and retaining a “Project Manager” to act as the Lead City Representative in all things related to the Three Corners Development – Requested by Councilmember John Carroll**
  - a) Advertising**
  - b) Job Description and Responsibility Matrix**
  - c) Drop Dead Retention Date**
  
- 4) Three Corners Project – Update on RFP preparation to provide to interested Developers/Contractors – Requested by Councilmember John Carroll**
  - a) Status of Discussions and Contract with Financial Consultant**
  - b) Task Description and Responsibility Matrix**
  - c) Drop Dead Consultant Retention Date**
  - d) Drop Dead Submittal Date to Developers/Contractors**
  - e) Earliest Package Receipt Date**

These two items were heard together.

Mr. Falls referred to the memo provided on the Three Corners project (attached to the original minutes). He explained that the project implementation has three (3) major activities, which are to hire a Project Manager, select a master developer and revise the City Comprehensive Plan and Land Development Regulations for the site that are ongoing at the same time.

The Project Manager’s job description has been developed and attached to the memo. The Project Manager’s position was posted to the City’s job opportunities site on January 25, 2023 and advertised. Interviews with qualified candidates will be scheduled next week and hopefully a decision will be made on or by June 1<sup>st</sup>.

Mr. Jeffries briefly went over the timeline for the Comprehensive Plan/Land Development Regulations. He said the consultant for the planning services and RFP has been issued and responses are due by February 23, 2023. Contracts with the consultants or firms to provide planning services will be scheduled for City Council approval on March 21, 2023. Work orders with consulting firms to prepare traffic and environmental analysis will be completed by September 2023. The Planning staff review and preparation of staff’s report will be completed in October 2023. The Planning and Zoning Board’s public hearing on this matter is scheduled for November 16, 2023. The City Council’s public hearing to

transmit the Comprehensive Plan Amendment to the State is scheduled for December 5, 2023. The State 30-day review of the Comprehensive Plan amendment is scheduled for late December 2023, and City Council approval is tentatively scheduled for February 6, 2024.

**5) Add on Item - Minutes of December 6, 2022**

Mr. Carroll referred to page 25 of the December 6, 2022, City Council minutes where it states, *“Vice Mayor Moore made a motion to suspend for six (6) months the Recreation Commission, Tree and Beautification Commission and the Economic Development Zone Advisory Committee. Mrs. Zudans seconded the motion and it passed unanimously.”* He noted that the motion did not pass unanimously because they immediately went to public comment. Page 26 of the minutes states that the motion passed 3-2 with Mr. Neville and Mr. Carroll voting no, which is actually what occurred. He felt that they needed to strike the statement that the motion passed unanimously.

Mrs. Tammy Bursick, City Clerk, said that she would make that change.

**Vice Mayor Moore made a motion to modify the December 6<sup>th</sup> City Council minutes to reflect that the vote on suspending the Committees did not pass unanimously. That they vote was 3-2. That the motion is to strike (that the motion passed unanimously). Mr. Neville 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.**

**7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING**

**8. CITY CLERK MATTERS**

**A) Chairmen to present to Council their annual Commission/Board Reports**

Mr. Eric Price, Chairman of the Code Enforcement Board, gave the annual Code Enforcement Board report.

Mr. Neville brought up that there are some areas downtown that deserve to have some proactive work. He said in some areas there is stucco falling off the walls, dead shrubbery where correct landscaping is required by the Code, etc.

Mr. John Turner, City Attorney, commented that the Code Enforcement Board does not go out and enforce the Code. He agreed that this needs to be looked at, but not by this Board. They may want to schedule a workshop to set policy on this.

Mr. Bob Jones, Chairman of the Finance Commission, gave the annual Finance Commission report.



Mr. Keith Drewett, Vice Chairman of the Marine Commission, gave the annual Marine Commission report.

Vice Mayor Moore asked since they now have a functioning police boat are they having more water patrols for code enforcement infringement.

Mr. Falls explained that there have been some manpower issues at the Police Department, but they hope to get out in the water to patrol soon. He said they are working with the different agencies to have a better flow of the process.

Mr. Jeb Bittner, Chairman of the Planning and Zoning Board, gave the annual Planning and Zoning Board report.

Mayor Cotugno asked Mr. Bittner what he thought in his point of view should be addressed by the Planning and Zoning Board.

Mr. Bittner said getting matrixes completed on uses on what is allowed and not allowed. Also, making sure that the uses for MainStreet are compatible with what they need to be. He mentioned that the Three Corners project was a huge time commitment for Mr. Jeffries and his staff.

Mrs. Jane Burton, Chairman of the Utilities Commission, gave the annual Utilities Commission report.

Mr. John Michael Matthews, Chairman of the Veterans Memorial Island Sanctuary Advisory Committee, gave their annual report.

**B) New Appointment to the MPO Bicycle Pedestrian Advisory Committee**

Mr. Roy (Hal) Lambert, Jr. would like to be appointed to the MPO Bicycle Pedestrian Advisory Committee to replace Mr. Terry Goff.

**Mr. Neville made a motion to appoint Mr. Roy Lambert to the MPO Bicycle Pedestrian Advisory Committee. Vice Mayor Moore seconded the motion and it passed unanimously.**

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

**A) Community Planning Projects**

This item was moved up on the agenda and heard before City Clerk Matters.

Mr. Jeffries referred to his departmental correspondence dated February 14, 2023 regarding Community Planning Projects (attached to the original minutes). He said as a follow up to their January 26<sup>th</sup> workshop where they discussed the community planning projects, which

included: 1) Neighborhood Protection and Preservation; 2) Beachside Overlay District; 3) Revisions to Commercial Zoning Districts; 4) Old Dixie Land Use Study; and 5) Downtown Master Plan, he is in the process of engaging qualified planning consulting firms to provide planning services for studies or projects. The responses to the Consultant for Planning Services Request for Proposal (RFP) is due by February 23, 2023, and the planning consultant contracts are expected to be scheduled during March for City Council approval. He said based on available staff time and professional services budgeted for planning consultants, he is recommending prioritization of special planning projects and tentative timelines or milestones for the projects. They would start with the Three Corners implementation, then move to the Commercial Zoning District updates, then to the Neighborhood Protection, then to the Downtown Master Plan and the last being the Beachside study area Master Plan.

Mayor Cotugno asked if the Downtown Master Plan for the traffic study was a part of this.

Mr. Falls said that the Twin Pairs was not a part of this. He would be bringing something to Council at an upcoming meeting regarding the Twin Pairs Study.

**B) Management Agreement for Riverside Tennis Complex with USTA-Florida**

Mr. Falls reported that staff has worked out an agreement with USTA-Florida, which is before Council today. Some of the advantages of entering into a contract with USTA would be for a cost savings, which would save the City approximately \$50,000 a year coming mainly from reduced staff costs. There would be improved services provided by USTA, which will include a wide variety of programs. The facility would be improved because the money generated by USTA would be put into upgrading the facility. The City will enter into a short term agreement unlike some of their other agreements. The agreement would be for a term of three (3) years. Then they would have the option to renew, most likely on an annual basis. This means that they can review the agreement on a regular basis, make changes as needed, or simply end the agreement and go back to running the facility themselves. Also, USTA will pay the City a monthly fee of \$500.00 beginning on the first day of the month following the commencement date.

Mr. Neville commented that the \$500.00 monthly fee might work out better if USTA would not be required to pay that amount and suggested just charging them a \$1.00 a year similar to some of their other lease agreements. He made that in the form of a motion.

Mrs. Zudans felt that leasing the property to USTA for \$500.00 a month was more than fair and she would not agree with charging them only \$1.00 a year.

Mr. Neville questioned what the City would do with the \$500.00.

Vice Mayor Moore agreed that \$500.00 was a reasonable amount.

Mr. Neville did not feel that was the case for a not-for-profit corporation. The motion died for lack of a second.

Mayor Cotugno opened up the meeting at 4:55 p.m. for public comments.

Ms. Nancy Rydra came to the podium to speak, but realized that they were only discussing the USTA lease agreement. She said that she would come to another Council meeting and speak under public comment about the matter she wanted to comment on.

Mrs. Ilene Martin stated that she is a member of Riverside Tennis Club and has been for many years. She plays tennis there twice a week and does not understand why they need another organization there. She felt that Gabby Dwyer (City employee) was doing a fabulous job.

Mr. Tom Fish commented that he moved from Minnesota to Vero Beach in 1986 and in 1989 moved across the street from Riverside Park. He played tennis with his children every day on the tennis courts and was involved with the programs at Riverside Park. In 1979 they had the best facility in the Country, however there has not been much upgrades since then. It is fortunate that USTA has chosen Vero Beach to manage their facility. It won't only save them a lot of money, but it will bring in a lot of tennis players. He is in favor of USTA running this program.

Mr. Jackson Stewart commented that it was nice to have USTA come to their town. He expressed his disappointment for the proposed Marty Fish proposal because it looked like a nice club that they were going to do.

Mr. Ted McBeth commented that he has a tennis background and worked for the City as a tennis pro back in the 90's. At that time he was in his 30's and they had the benefit of having a lot of tennis pros in town to develop programs and they all worked together. He remembers when Mrs. Pat Callahan (former Recreation Director) was looking at privatizing the facility, but that was not what the community wanted. He concurred with Mr. Tom Fish that they can't say enough positive things about USTA and the experience that they have.

Mrs. Honey Minuse thanked staff for all their hard work in bringing this agreement to Council. She knows that transparency has taken place throughout this whole process. She agrees with the three (3) year short term commitment in case things don't work out. She attended all the community meetings when this item was being discussed and she is in favor of the management agreement for the Riverside Tennis Complex with USTA.

Mr. Falls commented that all the programs and services in place now will stay at the same rate and the same fees will be charged. If there are any changes in rates or fees then they would have to come before the City Council for approval. The City Council will continue to retain financial control over the tennis complex.

**Mr. Carroll made a motion to approve the Management Agreement for Riverside Tennis Complex with USTA-Florida. 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.**

Mrs. Zudans commented that sometimes government does not operate facilities as well as other agencies do. She knows that USTA will do an amazing job.

**C) Add on Item – Discussion concerning the Power Squadron**

Mr. Falls reported that the Power Squadron who leases their building from the City are responsible for maintenance and providing insurance for the building. They have been told that their insurance is going to be cancelled. He does not know if they have explored getting insurance from Citizens yet, but they are requesting that they be able to pay a monthly fee to the City in exchange the City would put them under their insurance umbrella. He was bringing this forward today to see if this was something that Council would be interested in doing.

Vice Mayor Moore commented that this may be a slippery slope for them to enter into. Once they do this for one organization then they would have to do it for all the organizations that they rent their buildings to.

Mr. Dan Thomas was at tonight's meeting representing the Power Squadron. He said that the Power Squadron built this dwelling in 1966. He noted that in 2015 the Power Squadron had new Board members representing them and they have always been good stewards. The building was recently repainted, etc. In December, Waddell Insurance notified them that their insurance was being cancelled for no reason. So they went out and found another agency to cover them. They previously paid \$3,000 a year for their insurance and with this new insurance agency the cost had gone up to \$11,000. They are a non-profit organization and don't charge people for the services that they provide. He went over some of the things like boat examinations that they provide to the public at no charge. He said that the Power Squadron has 200 members and they have to raise their own money for all of their expenses. They have now been told that their new insurance agency that they were able to get to insure the building is cancelling them. He said it is because their metal roof is going to be 26 years old. He said that the Power Squadron plans on replacing the roof as soon as they can. He referred to the lease agreement where there is a clause that eludes to if they are not able to get insurance that the City should provide the insurance. He would like their lease agreement amended so that the Power Squadron would lease the building from the City for \$700.00 a month in exchange for the City insuring the building under their insurance umbrella. Then if they are ever to get insurance again they will do so and won't go broke. He pleaded with Council to consider including the Power Squadron under their insurance umbrella.

Mr. Falls said that there is only one other organization that the City has done that for and it was for the Seaside Grill.

Mr. Carroll asked if the insurance company charging them \$11,000 a year is going to return their money to them.

Mr. Thomas said that since they entered into the agreement it has been three (3) months so they will not get all the money back. He expressed that this policy ends on February 26, 2023.

Vice Mayor Moore commented that once the Power Squadron gets a new roof put on the building they should be able to get insurance. She wondered if the City could provide them with insurance coverage until a new roof has been put on the building.

Mr. Falls expressed that they would need a specific time that the roof was going to be installed, but reminded Council that the Power Squadron is responsible for all maintenance of the building.

Mr. Thomas commented that the Power Squadron does not have many options at this time. He said they have contacted Citizens about getting insurance from them, but have not heard anything back. He hoped that the City would put them on their insurance for a year.

Mr. Turner expressed that their insurance agency might provide them with a 30-day grace period before canceling their insurance policy.

Mr. Falls asked how soon they plan on getting the roof construction started.

Mr. Thomas said that they would need to go out for bid and are hoping to get the roof started within the next six (6) months. The Power Squadron would like to be able to pay the City a monthly lease fee instead of getting an insurance policy.

Mr. Carroll brought up some concerns with the City doing this. He did not know if the City's insurance agency would insure the building because of the age of the roof and also there is a flood elevation in that area.

Mr. Turner did not think this was good policy to have these kind of discussions taking place at a public meeting. He suggested that staff be able to take some time to discuss this with the Power Squadron and get all the details and bring it back to Council at their next meeting. He knows that the insurance is about to expire and hopes that there is a grace period. He said not having insurance on a piece of City property is a violation of the lease agreement.

Mayor Cotugno stated at this time they do not have enough information and that the City Manager and City Attorney needs to look into the matter and come back to the Council.

Mr. Turner commented that this puts the City in a difficult position because this is not something that they would normally do. He reiterated that if the insurance policy expires on February 26<sup>th</sup> the lessee of the building may be breaching their lease agreement, but that does not mean they cannot discuss this.

The Clerk was asked to coordinate the meeting.

## **10. CITY ATTORNEY MATTERS**

### **A) April 4, 2023 City Council Meeting Time Change Request**

Mr. Turner informed Council that he and the City Attorney would be attending an appeal before the Fourth District Courts on April 4, 2023, which is the same day as their Council meeting. He asked if they could either change the time of the meeting or have it on another day. Council agreed with holding the meeting on Wednesday, April 5, 2023 at 1:00 p.m.

**Vice Mayor Moore made a motion to postpone the regular City Council meeting to April 5, 2023 at 1:00 p.m. Mrs. Zudans seconded the motion and it passed 5-0 on a roll call vote.**

## **11. COUNCILMEMBER MATTERS**

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

Mayor Cotugno reported that he attended the Purple Heart Cane Project presentation at the National Navy Seal Museum and it was a very moving ceremony. He said they listened to some of the men's stories and what they went through and he just wanted to thank them for their sacrifices.

Mayor Cotugno recalled at a previous City Council meeting there was discussion about seeing if the land across from the Crestlawn Cemetery known as the "Old Nursery" could possibly be used for affordable housing. The City owns the property and it is approximately 13 acres. He will be having a zoom call with the Florida Housing Coalition to determine if the property is doable for affordable housing.

Mayor Cotugno brought up that there have been a number of packets appearing on people's driveways. He has been speaking with Rabbi Birnholz who is reaching out to the religious community, as well as the City and the County to empower action when these acts happen in their community. He is working on starting a "Stop hate..Start kindness" campaign and would like Council's support.

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

Vice Mayor Moore referred to the suggested overpass over the railroad tracks onto U.S. 1. She said now that they received more information from Florida Department of Transportation (FDOT) on what an overpass on Aviation Boulevard would look like, she felt it was very clear that was not a workable solution. She said it is not a practical place. She said it was pointed out at the Metropolitan Planning Organizational (MPO) meeting that FDOT has not done a study to determine the best place for an overpass. She felt that Aviation Boulevard was out of the question because it would take up a lot of private land

and that is not what they were all about. She would like to adopt a Resolution opposing an overpass over Aviation Boulevard.

Mrs. Zudans said before she would support this, she would want to be sure that FDOT was doing community engagements.

Mr. Falls reported that FDOT had a meeting about a week ago and another meeting is scheduled for September. He noted that the first meeting was for adjacent property owners and the meeting in September would be a broader public meeting. He said there were six (6) alternatives that were proposed and the one (1) that staff supported were the at grade (normal) intersections. If it is Councils' pleasure to do a Resolution, they might want to do it in support of the at grade intersection.

Mrs. Zudans said they needed to have individual meetings with individual property owners and get their buy-in on it also.

Mr. Turner said staff would work on a Resolution and bring it back before Council in the future.

**C. Councilmember Zudans's Matters**

**D. Councilmember Carroll's Matters**

Mr. Carroll complimented the Sunrise Rotary Club on the success of their annual Beer & Wing Fest. He acknowledged the thoughtful comments made to Mr. McNulty by Chief Currey on a recent article that was printed in 32963 (he read excerpts of the article).

**E. Councilmember Neville's Matters**

Mr. Neville made a request to Council for funds in order to reduce the size of the Mayor's pictures that are located on the back wall. They are running out of room for the pictures. He said that the pictures could be resized to 5 x 7, reframed and hung back up. In order to do this they would have to be scanned and printed. The approximate cost to do this would be \$3,500. He asked permission from Council to proceed with the project.

Mrs. Zudans was not in favor of spending taxpayer's money in order to have this done. She hoped that they could find a different way to have it done without spending taxpayer's money.

**Mr. Neville made a motion to request \$3,500 in order to get this project done and installed in April. Vice Mayor Moore seconded the motion.**

Mayor Cotugno did not understand why they were just hearing about this now. He said this could have been done months ago.

Mr. Neville accepted full responsibility in the delay of the project.

Vice Mayor Moore wondered if there was something else that they could do.

Ms. Mary Esposito wondered if there was a print shop or another local organization that would fund the project. She said that there was probably some place in town who would want the free advertising from the City in exchange for taking on the project.

Mr. Neville explained that the cost is not in the printing, but in the framing of the pictures.

Mrs. Zudans suggested tabling this item to see if there were people who would donate towards having it done.

**Mayor Cotugno made a motion to table this discussion. Mrs. Zudans seconded the motion and it passed 3-2 with Mr. Neville voting no, Mr. Carroll no, Mrs. Zudans yes, Vice Mayor Moore yes, and Mayor Cotugno yes.**

Mr. Neville showed pictures of derelict boats on the Indian River Lagoon. He reported that any sworn officer can site a vessel that is a derelict boat. Therefore, they are making an effort to have City Police Officers site these vessels and to see them through to conclusion. He said there is a meeting coming up to speak with their Legislators and he felt that they needed to encourage the Florida Wildlife Commission (FWC) to get more staff in order to deal with this and that they need to change Florida Law. He explained that the property rights on vessels that are sunk are just as good as the property rights on vessels that are not sunk. He asked whoever on staff that was going to be attending Legislative meetings that this be a priority.

### **13. ADJOURNMENT**

Tonight's meeting adjourned at 5:54 p.m.

/tb