

**CITY OF VERO BEACH, FLORIDA
NOVEMBER 18, 2014 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Reverend Suzy Feeney of the First Science Church followed by the Pledge of Allegiance to the flag.

1. CALL TO ORDER

A. Roll Call

Mayor Richard Winger, present; Vice Mayor Jay Kramer, present; Councilmember Pilar Turner, present; Councilmember Amelia Graves, present and Councilmember Randolph Old, present. **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Vock, City Clerk

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mrs. Tammy Vock, City Clerk, requested that item 3-3) be added to the agenda, which is approval for a license agreement for a dock and boatlift constructed on City-owned submerged lands located at 15 Sailfish Road.

Mrs. Turner made a motion to adopt the agenda as amended. Ms. Graves seconded the motion and it passed unanimously.

B. Proclamations

1. Vero Beach Choral Society

Mayor Winger read and presented the Proclamation.

2. Compassion Vero Month

Mr. Kramer read and presented the Proclamation.

3. Pancreatic Cancer Awareness Month

Ms. Graves read and presented the Proclamation.

C. Public Comment

Mr. Peter Gorry went over some issues concerning All Aboard Florida (AAF) (please see attached).

Mrs. Phyllis Frey read a prepared statement concerning AAF.

Mr. Robert Falong, 1705 40th Avenue, stated that on the street where he lives drivers use that road as a cut through. He would like to have a stop sign installed on 40th Avenue and 17th Street. He said that his neighbors are always complaining about traffic on this street. He said the speed limit was lowered, but it has not slowed down traffic. He again requested for the safety of the children in this area that a stop sign be installed.

Mr. Jim O'Connor, City Manager, stated that he would work with the proper departments on this matter and will be contacting Mr. Falong to keep him in the loop.

Mr. Paines McDaniel, 715 52nd Avenue, expressed that safety is an important factor with AAF.

Mr. Donald Hood had a lot of concerns with the AAF project. He said there has been no discussion about government entities addressing whether people want it or not. Most of the people he has talked to have not even heard about the railroad project. The concerns of other counties about bridge closures are getting a lot of coverage and that doesn't concern this community. He would love to have a train stop in Vero Beach, which is not out of the question. He came up with 18 reasons why they should have this project and presented them to the High Speed Rail Commission (on file in the City Clerk's office). He said they really could use a stop in this area and they should be looking at what they can do to get a stop here in Vero Beach. He has been told by AAF that what they have to do is plan for the original stops they are going to have and once they turn a profit they will be looking at additional stops on the coast. He said another thing that concerns him is all the negative comments these political action groups are making and that there are real estate agents who have gotten involved in this process. He has learned that this is a done deal. The money has already been approved. He said AAF is going through with this project and are going to put the railroad in place.

Mr. Robert Clements read a prepared statement (please see attached).

3. CONSENT AGENDA

- 1. Regular City Council Minutes – November 4, 2014**
- 2. Replacement of Sand Filter Influent Gates – Bid No. 120-14 – WS Project No. WS14007**
- 3. License Agreement #2014-LA-0231, Philip M. & Joan T. Williams, Dock & Joan T. Williams/Dock & Boatlift Constructed on City-owned Submerged Lands 15 Sailfish Road**

Mr. Kramer made a motion to approve the consent agenda. Ms. Graves seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

An Ordinance of the City of Vero Beach, Florida, Providing and Establishing Revisions to the Budget for the City of Vero Beach, Florida, for the period beginning October 1, 2013 and ending September 30, 2014, by increasing the General Fund by \$226,402; by Decreasing the Street Paving and Drainage Fund by \$72,193; by Increasing the Electric Fund by \$1,116,823; by Increasing the Electric R&R Fundy by \$113,466; by Decreasing the Water and Sewer Fund by \$263,035; by Decreasing the Water and Sewer R&R Fund by \$48,365; by Decreasing the Airport Fund by \$37,148; by Decreasing the Airport Construction Fund by \$759,398; by Increasing the Marina Fund by \$15,394; by Decreasing the Solid Waste Fund by \$1,185; by Increasing the Recreation Fund by \$117,510; by Increasing the Recreation Construction Fund by \$26,000; by Decreasing the Risk Management Fund by \$320,581; by Increasing the Confiscated Property Fund by \$2,500; by Increasing the Law Enforcement Education Fund by \$7,500; by Increasing the Crestlawn Cemetery Trust Fund by \$8,986; ALL FROM REVISED REVENUE, EXPENDITURE AND TRANSFER ESTIMATES.

Mrs. Vock read the Ordinance by title only.

Ms. Cindy Lawson, Finance Director, reported that this Ordinance is the final amendment to the fiscal year 2013-2014 budget. The amendment represents current estimates of fiscal year 13-14 revenues and expenditures, pending the final fiscal year closeout and the preparation of audited financial statements. The Finance Commission reviewed a draft of the budget amendment and voted unanimously to approve it.

Mayor Winger opened and closed the public hearing at 6:55 p.m., with no one wishing to be heard.

Mrs. Turner made a motion to approve the Ordinance. Mr. Kramer seconded the motion and it passed 5-0 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) RESOLUTIONS

A Resolution of the City Council of the City of Vero Beach, Florida, Expressing Opposition to All Aboard Florida's High Speed Rail Project; Providing for an Effective Date.

Mayor Winger read the Resolution by title only.

Mr. Daige read a prepared statement (please see attached).

Mrs. Honey Minuse, spoke as a member of the Indian River Neighborhood Association (IRNA) and the Train Impact Coalition (TIC). She went over many things that are

missing in the Draft Environmental Impact Study (DEIS), especially the mention of Indian River County. The purpose of the TIC was to insert themselves into the process and identify the impacts. She said everyone needs to know what the full and partial capacity will be. She thanked Mr. Gorry for his presentation. She has not been able to find any land ownership records for AAF, which she questioned how they would measure vibration and noise if they do not know what land they are dealing with. She noted that there have been no formal meetings held in this County. She said necessary climate change and sea level rise have not been addressed in the DEIS. There were no studies on safety factors addressed. Also, social economic conditions have not been addressed. There will be no stops planned in Vero Beach because these trains will be traveling too fast. She said AAF is required to look at property values, as well as unemployment factors, which have not been addressed. Also, cultural and historic resources have not been mentioned in the DEIS, such as the Vero Ice Man and Gifford Bone sites. This DEIS is deficient in recognizing that Indian River County exists and that needs to be addressed. She was in support of Council passing this proposed Resolution.

Mr. Donald Hood stated that he has not heard about this organization TIC until tonight and he has been very involved with this matter over the last couple of months. He said if this organization (TIC) wanted to get some answers, they could have raised their concerns to AAF. Mr. Daige chaired the High Speed Rail Commission and TIC had never been mentioned. He said there have been so many comments made about the Panama Canal, which has no bearing on this. He felt that 99% of the arguments made by people against AAF could be debated. The amount of thought behind their reasoning is not complete. He said that AAF is getting a bum rap. The railroad tracks have been in existence for over 100 years. He wanted to see a stop in Vero Beach where they could use this as a resource for the City. He asked Council to take a second look at some of these bogus claims. There is a chance for Vero Beach to get a stop, but if people keep fighting this with the wrong facts it will not happen.

Mayor Winger informed Mr. Hood that he was the City representative for Amtrak when they were trying to come through Vero Beach. He attended many meetings and studied the situation. He said it didn't happen because the demographics did not work and the cost to put a stop in Vero Beach was going to be close to one-million dollars and Amtrak came to the conclusion that it made no sense to stop in Vero Beach.

Mr. Hood commented that this is a different time and demographics have changed. He said a lot of young people are not buying cars anymore and would love to be able to travel by train. He asked Council to give this a chance.

Mayor Winger talked to the students attending tonight's meeting and explained that sometimes there are tough issues and there are two sides to every issue. But, each Councilmember sitting at the dais must vote on whatever matter comes before them.

Mayor Winger closed the public hearing at 7:21 p.m., with no one else wishing to be heard.

Mayor Winger referred to the letter that staff sent to Mr. John Winkle, Federal Railroad Administration (FRA) concerning comments from the City of Vero Beach for the All Aboard Florida (AAF) Draft Environmental Impact Statement (DEIS) (please see attached). He said Council has also received a copy of the comments from the Indian River Chamber of Commerce that they sent to the FRA (please see attached).

Mrs. Turner expressed that the main thing for the public to understand is that this is not a “done deal.” The FRA is still accepting comments through December 3, 2014. She hopes that all of the 10,000 residents of this community who oppose the railroad project will either email or send their comments to the FRA. She noted that the FRA’s website is located on the City’s website if anyone needs their email address.

Ms. Graves noted that in this Resolution they do not mention anything about cultural and archeological resources, which she would like to see included in the Resolution.

Mr. Kramer felt that the City needs to support the County in this endeavor. He said once the Council gets their final act together, then the City needs to join in.

Mrs. Turner expressed that the County sent them a copy of their comments that they were sending to FRA. She said they could authorize the Mayor to send a letter to the County saying that the City supports their comments.

Mayor Winger said that he would sign the letter if someone would draft it for him.

Mr. O’Connor stated that he would draft the letter for the Mayor’s signature. He also suggested adding *cultural and archeological* in the seventh paragraph on page 2, of the Resolution. The sentence would now read: WHEREAS, according to the draft EIS, All Aboard Florida’s proposed high speed passenger rail service will increase railroad traffic, railroad noise, and railroad vibrations within the City of Vero Beach, Indian River County, Florida thereby creating a genuine potential detriment and threat to the health, safety and general welfare of the residents and visitors of the City of Vero Beach, Indian River County, Florida and may cause harm to the City of Vero Beach’s, Indian River County, Florida natural environmental, cultural, archeological, and historic resources.

Ms. Graves said because of the Vero Man site, she reiterated that they needed to have cultural and archeological referenced in the Resolution.

Mayor Winger made a motion to adopt the Resolution with the amendment that cultural and archeological is included. Ms. Graves seconded the motion and it passed 5-0 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

**5. ORDINANCES AND RESOLUTIONS FOR FIRST READING BY TITLE
(FUTURE PUBLIC HEARING REQUIRED)**

None

6. CITY CLERK'S MATTERS

A) Appointments to Commission/Boards

Council made their Committee Appointments for 2014-2015 (please see attached).

Tree and Beautification Commission

There is an alternate position open on the Tree and Beautification Commission. Mr. Charles "Tem" Fontaine III is interested in serving as the alternate member on the Tree and Beautification Commission.

Mr. Kramer made a motion to appoint Mr. Charles "Tem" Fontaine III to the Tree and Beautification Commission. Ms. Graves seconded the motion and it passed unanimously.

B) Cancellation of December 16th City Council meeting

It was the consensus of Council to cancel their December 16th City Council meeting because of the holidays.

7. CITY MANAGER'S MATTERS

A) 23rd Street at 20th Avenue Culvert Replacement Project 2010-15 – Construction Contract – Recommendation of Award

Mr. O'Connor reported that this contract is for construction of the 23rd Street culvert replacement at 20th Avenue, which was approved in the FY2013-2014 budget. The culvert will be replaced with a 10' wide by 8' tall reinforced concrete box culvert. In addition, inlets near the project will be improved to include a Flexi-Pave stormwater treatment system. The project was bid with two divisions; Division I consists of the stormwater, streets, and Public Works related elements, and Division II consists of all elements related to Water and Sewer utilities. The bid will go to the low bidder, who is Timothy Rose Contracting of Vero Beach. The transfer of \$50,000 from the Vero Isles Outfalls project will help pay for the construction. Mr. O'Connor explained if this award is not granted, the culvert will have to be replaced at some point in the future and the City risks having the culvert suddenly fail, at which point the cost of the replacement would be significantly higher.

Mayor Winger opened and closed public comments at 7:41 p.m., with no one wishing to be heard.

Mayor Winger made a motion to award the contract to Timothy Rose Contracting. Ms. Graves seconded the motion and it passed unanimously.

Mrs. Turner asked Mr. O'Connor to give an update on the parking situation on Ocean Drive.

Mr. O'Connor reported that the Parking Committee is continuing to meet and are looking at putting up new signs, as well as changing the parking enforcement time limit from two hours to three hours. He said they have another meeting scheduled for tomorrow. He noted enforcing parking on Saturdays is still a debatable issue. Mulligan's is using a golf cart to transport their employees to and from Riverside Park, where the employees are now parking.

Mrs. Turner agreed that it was a difficult issue to resolve. She said that she drove down Ocean Drive on Saturday and the parking issue is very evident.

Mr. O'Connor commented that the Parking Committee is also looking at other areas, such as the Saturday Farmers Market. He still has concerns about enforcing parking on Saturdays when you have families coming to that area to go to the beach.

Mrs. Turner asked Mr. O'Connor how the progress with the Dodgertown Golf course was going. She asked if they had signed the release agreement from the County.

Mr. O'Connor said not yet, however they will be meeting with the County again this week to discuss the issues. He said the County will be making improvements along 43rd Avenue and he wanted to make sure that the business owners in that area were not going to be affected in the future. They have informed the business owners about the proposed cure plan and have asked the businesses to send their concerns to the County.

Mrs. Turner brought up the utility issue and the Public Service Commission (PSC) meeting scheduled for November 25th.

Mr. O'Connor expressed that the City received a copy of the findings from the PSC staff members (on file in the City Clerk's office). He felt that once mediation is heard on December 17th (between Indian River County, Indian River Shores, and the City of Vero Beach), the end result will not be looking too solid and he will be recommending to Council that they hire a litigator for the case. He said Mr. Wright is good in dealing with the PSC and understanding utilities, but once they get into the other issues involving this case a litigator will be needed. He and Mr. Wright have talked to several attorneys about taking on this work and he will be doing an RFQ to come up with the best firm. He felt someone with a lot of experience in contractual litigation will be needed.

Mayor Winger said that Mr. Wright asked him to be at the PSC hearing scheduled for November 25th.

Mrs. Turner did not think that anyone from the City would be attending the hearing, but was happy to hear that the Mayor would be there. She just reminded him that he is only one of five members who sit on the City Council.

Mayor Winger understood that. He said Mr. Wright and Mr. O'Connor felt that it was necessary for him to be there, but if Council does not want him to attend the hearing he will not go.

Mrs. Turner was glad that Mayor Winger was going, but just expressed decisions need to come from the entire Council.

Mr. O'Connor did not anticipate any elected officials attending the mediation hearing. However, he felt that someone with the elected official title needed to be in attendance at the PSC hearing.

Mayor Winger asked Mr. O'Connor to comment on the referendum and if there is a need for one.

Mr. O'Connor explained that one of the parts of the Indian River Shores (IRS) lawsuit pertains to the 2008 fact that the City was suppose to hold a referendum and establish a Utility Authority according to what the results of the referendum were. At that time it was determined that the City did not fall within the scope of what the State law said. He said it was ironic that the law was actually under the PSC and it seems if they had fallen under it the PSC would have told the City that it applies to them. This is part of the litigation that IRS wants the City to follow so they have started trying to make provisions in order to accommodate this. He said there are several elements in this litigation. The first one being an FPL rate, the second is getting out of the City (remove the City's electric distribution facilities) and the last is having a Utility Authority. He said voting for a Utility Authority is actually something they can concede on if it is something that Council wants to do. But, they will need to find the parameters of how this works and exactly what is entailed. It is not a referendum that you can ask the Supervisor of Elections to hold. It just involves their customers and there is no way for the Supervisor of Elections to determine who the customers are.

Mrs. Turner asked if the only way they could establish a Utility Authority is through a referendum.

Mr. Coment answered no. However, this is what IRS has alleged in their complaint, but Council could offer something different.

Mr. O'Connor agreed that the City could develop a Utility Authority at any time.

Mayor Winger explained that Mr. Wright's concept was to be prepared if there was a solution. He noted this is a very specialized field because it does not involve registered voters.

Mrs. Turner felt it would be easier and less costly to form a Utilities Authority, then to hold a referendum.

Mr. O'Connor mentioned that Mr. Wright plans to be at their December 2nd City Council meeting and can go over the research he has done on this matter. He then reported that the mediation hearing will be held on December 17th.

Mayor Winger did not think the rules of the mediation were clear.

Mr. Coment commented that he has not heard back definitively on how the meeting is going to be held. He agrees along with Mr. Wright, and Mr. O'Connor that however IRS and the County want to conduct the meeting is fine with them. He felt there was a conflict in State law where you have one Chapter that deals with mediation and says that it is confidential and then there is another Chapter that deals with the Sunshine Law, which means an open and public meeting. He said if that is the route they choose to take then it will just be another open meeting. He also said that the County and IRS may send an elected official to this mediation hearing. He should know that by the next Council meeting, giving this Council time to decide if they want to also send an elected official to the mediation hearing.

Mayor Winger reported on December 5th the Legislative Delegation meeting will take place. He said at last year's delegation meeting there was legislation proposed, which attacked the City of Vero Beach and it had to do with electric. He feels that Council should let Mr. Wright and Mr. O'Connor be prepared to defend the City this year if they need to. They can be on the agenda and be prepared if it is necessary. He believes it is the responsibility of the City Council to defend the public against lawsuits wherever they might occur.

Mr. Kramer agreed that they need to file the form to be on the Legislative Delegation agenda so they have the option to be there.

Mrs. Turner thought that Council already asked Mayor Winger to be present for the Legislative Delegation meeting and present the topic on short term rentals. Mayor Winger explained there would be two subjects, with short term rentals being one of the subjects.

Mr. O'Connor reported that himself and Mr. Wright will be meeting with OUC tomorrow. They have heard from the Finance Commission and the Utilities Commission, as well as the City Council that there are a couple of areas in the new proposed agreement that they would like OUC to address. The first one is the term of the agreement and that they would like the term to be shorter. Also, if the City is going to give an out from the agreement then this out needs to be given to both parties. He said they have mentioned those two items to OUC and have asked them to be prepared to discuss them. He said staff also understands the concern over St. Lucie and the transfer of those assets.

Mayor Winger commented that the good news is that they have 15 years left on a contract that he personally does not feel ever should have been signed. He said OUC has made an offer to the City for something better than the agreement they are currently in. He feels that Council has to look at all the alternatives and determine what is in the best interest

for the people they represent. He is happy that Mr. Wright has come forward with these improvements, but more negotiations need to take place and then Council will have to make some hard decisions. He did not agree with what was recently offered is where they should end. Mr. O'Connor stated that is the message that they are taking back to OUC.

Mr. Kramer commented that it is tough for Council to have to make these decisions, but good for them to have the options and they need to hear what comes of those decisions.

Mr. Old felt that the first offer was a good offer and OUC has moved a long way so they need to wait and see what the second offer is.

Mr. O'Connor did a recap of the instructions given to him. He said that everyone understands that the City may be looking for a litigator in the future. He said Mayor Winger will be representing the City at the PSC hearing, and the Mayor will have the utility issue on the Legislative Delegation agenda, but may not be the City's spokesperson on the matter.

Council took a break at 8:06 p.m., and the meeting reconvened at 8:20 p.m.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

- 1) Establish a Stormwater Utility within 100% of the City boundaries to fund baffle boxes at outfalls, and to otherwise improve the quality of street and land water run-off entering the Lagoon to improve the health of the Lagoon. As a secondary goal, limit the need to dredge muck from the Lagoon in areas such as the Fingers, and therefore reduce on-going expenses. – Requested by Richard Winger**

Mayor Winger gave a Power Point presentation titled "Creation of a Storm Water Utility" (attached to the original minutes).

Mr. Kramer liked the idea. He understands a lot of the roads are County and State roads so they would not be able to include those surfaces when it comes to storm runoff.

Mr. Monte Falls, Public Work's Director, suggested that the City focus their dollars on their roads first and try to encourage the other jurisdictions to do the same on their drainage facilities. He said like when they were able to get the Department of Transportation to participate in some drainage improvements along Indian River Boulevard.

Mayor Winger commented that what they are really faced with in Original Town and McCansh Park, this would be the system. However, if they take 19th Street that particular baffle box is draining a good many acres. So there will be instances where they have to put baffle boxes in, but this money will be used for whatever the best approach is.

Mr. Kramer said his understanding is that the State or County would pay into the fund in order to pay for their projects along these roads.

Mr. Falls explained that it would be based on the private properties that contribute water into the drainage systems. He said if there was a County owned facility that put drainage into a City system then they would have a component of the drainage associated with that property. He thought what Mr. Kramer was referring to was the County/State right-of-way located within the City limits. He suggested working with these entities in trying to get them to do things to their own system.

Mrs. Turner stated to her this is a tax. The people that would be paying this are the taxpayers of Vero Beach. She noted that 44% of the users who do not pay ad valorem taxes has been quoted. She noted that 25% of that is the Airport, 4% is City Parks, but they might be able to hit up 15% of the churches who don't pay ad valorem taxes. She said there is no question they have some challenges of both protecting their Lagoon and repairing their infrastructure, but they need to seek out other solutions. She said as they eliminate the debt of the Dodgertown Pines property there is approximately \$600,000 that they could be putting towards other projects without creating another part of government and adding more taxes. She felt that they still needed to continue to explore. The economy is starting to improve with sales taxes going up, etc., so there are a lot of things that can be considered before jumping in and creating another tax. She referred to the Enterprise Funds that they have in the City. There is the Cemetery, which is not self-sustaining, there is the Marina, which barely returns about a \$100,000 to the General Fund and if they actually did a balance sheet on these entities and included their unfunded pension liability, and their other post employment benefits, you would see a whole different picture of these entities. She said lets keep the transparency in government and if they need to raise taxes then put it up front and take it to the voters. She felt it was suspicious that the day after elections they start looking at another tax increase. She was opposed to this concept.

Mayor Winger interjected that discussion of this has been going on for at least six months and he even had it on a prior Council agenda. He said tonight they are looking for a policy decision directing staff to move on to the next step. He said there will be a number of steps they will need to take, but he thinks this is absolutely needed and could not understand why this City was different from other modern cities.

Mrs. Deborah Ecker, representing the IRNA, stated that IRNA strongly supports this authorization of utility for storm water runoff in the Lagoon. She referred to a document written by Mr. Bill Messersmith, Assistant City Engineer, which would support the need for this. Mr. Messersmith mentions 16 specifics in the project that the revenue will be

used for. She felt this was a remarkable proposal and congratulated Mayor Winger for his fine presentation. She doesn't see how Council has any choice, but to proceed on this. She understands that there will need to be a consultant hired to determine how this will all work.

Mayor Winger made a motion to direct staff to go to the next steps, which would include hiring a consultant. Mr. Kramer seconded the motion.

Ms. Graves wanted to make sure that as they go through this process they are making an effort to get the word out to the community so that they can hear back from the citizens. She would support this with a caveat that they work really hard on making sure that they are publicizing this and getting the word out.

Mayor Winger agreed with Ms. Graves' comments and felt that the public should be fully apprised.

Mr. Old felt this was something that would require funding going forward for a long time and having a good source of revenue for it was important. He felt this was an obvious way to do it.

Ms. Graves asked Mr. O'Connor that when ERU's are established, don't they sometimes give specific credits for improvements to properties that decreases the amount of pavement (making more environmental friendly improvements to their property).

Mr. O'Connor told Ms. Graves that is how he understands it and it must be done in conformance with State law. He said the theory is they are charging a fee for a discharge into the public rights-of-way that the public has to maintain. Ms. Graves requested that the public be aware of this. Mr. O'Connor made it clear that they would not have a consultant starting tomorrow. He said there is a lot of preparation work that will need to be done before they can actually hire a consultant. He also wanted to make sure that he fully understood how Sebastian arrived at their consulting firm.

The Clerk polled the Council on the motion and it passed 4-1 with Mr. Old voting yes, Ms. Graves yes, Mrs. Turner no, Mr. Kramer yes, and Mayor Winger yes.

2) Request for Council Resolution to take the proposal Mrs. Peggy Lyon, Assistant City Attorney, is preparing to be presented to the Legislative Session on December 5th – Requested by Richard Winger

Mayor Winger brought up the short term rental situation and said that there was a legal decision given on this matter. He believes they should move forward and start enforcing their law. The City should also agree that it is permissible under State Code. He said if there is a word that they can amend in their Code, such as "transient," he would like to see that done. The third thing to be done is a presentation needs to be put together and he will present it at the Legislative Delegation meeting. He agrees with what the Florida

League of Cities were pursuing last year concerning short term rentals and would like to see them continue.

Mr. Old asked if they (City) are able to enforce short term rentals.

Mrs. Turner answered no. She said if they do they will take the chance of being sued.

Mr. Coment commented that the legal counsel who handled the appeal for the City is of the opinion, and he agrees with her, that because of the opinion that was given it only affects that set of circumstances and facts that were presented to the Court. The Court did not declare their Ordinance unconstitutional or vague, they just upheld the decision of the Code Enforcement Board. He said Mr. McGarry has worked on some proposed amendments and he suggested adopting these clarification measures before they start writing citations. He will also be bringing Council some clarification in the Code Enforcement Board Ordinance that clarifies the appeal process. He plans to bring this to Council at their December 2nd meeting.

Council agreed this is a good place to start.

Mr. Coment said that he would be happy to work with Mayor Winger on the short term rental presentation.

Mayor Winger reiterated that the Florida League of Cities will back them up on this, but it will not be one of their main focus items this year.

B. New Business

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Richard Winger's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mayor Winger reported that he attended the Florida League of Cities Legislative Conference in Orlando, he and Mr. Kramer cut the ribbon for the new dog park, and he was invited to play baseball with some former Dodgers.

B. Vice Mayor Jay Kramer's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Kramer reported that he attended the Grand Opening of the dog park and he attended the annual Chili Cook-off.

C. Councilmember Pilar Turner's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mrs. Turner reminded the public to turn in their comments concerning the DEIS. She said that the more their voices are heard the stronger case they will have. She thanked the Veterans for having a wonderful Veterans Day ceremony. She attended the presentation of the Historic Marker at Dodgertown. She reminded the public that this weekend will be the festival of trees at Riverside Theater and she wished everyone a Happy Thanksgiving.

D. Councilmember Amelia Graves' Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Ms. Graves agreed with Mrs. Turner that it was a very incredible Veterans Day ceremony. She encouraged the public to attend the Tree Lighting Ceremony downtown on November 29th and that on Saturday, November 30th it will be Small Business Day and the public should help out their local mom and pop businesses.

E. Councilmember Randy Old's Matters

- 1. Correspondence**
- 2. Committee Reports**
- 3. Comments**

Mr. Old was looking forward to being on the Council and moving forward. He asked Council if in the future they could hold a planning session where they could just sit around the table and discuss things.

Mayor Winger said they could certainly hold a workshop every 90 days. He asked Council to work with Mrs. Vock in coming up with a date for their meeting to be held sometime in January.

Ms. Graves agreed there could be some benefits in having quarterly round table meetings.

11. ADJOURNMENT

Tonight's meeting adjourned at 9:24 p.m.

/tv