

CITY OF VERO BEACH, FLORIDA
JULY 15, 2014 9:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation will be given by Mr. Phil Katrovitz, Humanist of the Treasure Coast, 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 Craig Fletcher, 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. Turner made a motion to adopt the agenda as presented. Mr. Fletcher seconded the motion and it passed unanimously.

B. Proclamations

1. Marine Debris Removal Month – July 2014

Mayor Winger read and presented the Proclamation.

2. Treasure Coast Waterway Cleanup Week – July 20-26, 2014

Ms. Graves read and presented the Proclamation.

C. Public Comment

1. Electric Utility Update from Mr. Schef Wright.

Mr. Schef Wright gave an update on the electric utility. A letter was sent out to Orlando Utilities Commission (OUC) and Florida Power & Light Company (FPL) in furthering the efforts to reduce the City's electric rates. The request in the letter was that 1) OUC consent to the communications, discussions, and negotiations between the City and FPL towards modifying the existing agreements between the City and FPL in furtherance of the City's goal of lower rates, and to waive any claims that might arise by virtue of these contemplated discussions and negotiations in furtherance of the City's goals of lowering rates; and 2) that FPL consent to the communications, discussions and negotiations

between the City and OUC towards modifying the existing agreements between the City and OUC in furtherance of the City's goal of lower rates, and to waive any claims that might arise by virtue of these contemplated discussions and negotiations in furtherance of the City's goal of lower rates. In the letter it outlines the requested consents and waivers (please see attached). The letter was signed and sent out by the City Attorney who asked that both representatives from OUC and FPL confirm their company's consent to the activities as described in the letter and their company's waiver of any claims arising by virtue of the negotiations between the City and FPL and between the City and OUC. The letter was signed by representatives of both companies and sent back to the City Attorney. Mr. Wright explained by doing this it will enable the City to move forward. Some of the immediate issues will be to look at retiring some of the Units at the Power Plant in order to save money and to accomplish getting a transmission study. This week he will be talking to representatives from both OUC and FPL. However, he does not have any new ideas on how to further the sale with FPL. He also has left telephone messages with Indian River Shores, but has not talked to them yet.

Mrs. Turner commented that with this agreement there is nothing stopping Vero Beach from moving forward with measures to lower rates.

Mr. Wright agreed there was nothing to stop them from discussing lowering the rates.

Mr. Wayne Coment, City Attorney, explained that he did sign and send the letter out at the request of Mr. Wright and would ask that Council make a motion to approve that action.

Mayor Winger made a motion to approve that action (signing and sending out the letter). Mr. Kramer seconded the motion and it passed unanimously.

Mr. Kramer asked in order to lower their utility rates would they need approval from FPL.

Mr. Wright stated that there are a lot of things the City can do to lower their rates that would not require FPL approval.

Mr. Kramer commented that if they decided to renegotiate their OUC contract, he would imagine that there would be some input from FPL because making the assumption would go past two (2) years.

Mr. Wright agreed with the assumption made by Mr. Kramer.

Mr. Jim O'Connor, City Manager, commented that he is still trying to be creative in working to find if there is a way to sell their electric utilities to FPL. He has had several conversations with OUC and has been assured that they will be working with the City of Vero Beach. He is in the process of moving forward in getting the transmission study.

2. Mr. Doug Carlson, Director of Mosquito Control, to give a Power Point Presentation.

Mr. Doug Carlson, Director of Mosquito Control District, told Council that about two (2) weeks ago National Professional Mosquito Association Awareness Week was proclaimed. He said during that week they concentrated on providing education to the public about mosquito control efforts. He explained some of the threats of viruses present in Florida every year are the West Nile, St. Louis encephalitis and Eastern equine encephalitis. He gave a short Power Point presentation (attached to the original minutes).

3. Mr. James Welles, to speak on the Dog Exercise Area at Bob Summers Park.

Mr. James Welles was at today's meeting representing The Friends of the Vero Beach Dog Exercise Area, Inc., which is a non-profit organization. He asked Council to ratify the unanimous decision of the Planning and Zoning Board to approve the site plan for the dog exercise area at Bob Summers Park. He said once this is done, he can start moving ahead with getting permits. He thanked the City Council and staff who have been so very cooperative in guiding them through this process.

Mr. O'Connor reported that the Planning and Zoning Board approved the application subject to certain conditions and would recommend approval by the City Council. The Recreation Commission reviewed the plan, but did not vote on it and the Marine Commission intends to provide a letter at a future date regarding their concerns (as outlined in the Marine Commission minutes of July 7, 2014).

Mayor Winger commented that he read the Marine Commission minutes and agreed that they did have some concerns.

Ms. Amy Robinson, a local Dog Trainer, expressed that an exercised dog is a happy dog. She has reviewed the site plan, which is nice and would enhance the Park. She has gone to the dog park and is very impressed with the self policing that takes place. She felt that this would be a win/win situation for everyone. She thanked Council for allowing dogs in some of their Parks as long as they are on a leash.

Mr. Mark Mucher, 617 Indian Lilac Road, encouraged Council to have the Public Works Department and the Police Department cooperate in putting up no parking signs along Indian River Drive East. He said neighbors have called the Police Department and been told by the Police Department that they can't enforce no parking because of the lack of signs. He would like to see this enforced.

Mr. Scott Caviness commented that his dog is more socialized after being able to go to the dog park.

Mr. Ken Daige, 1846 21st Avenue, thanked Mr. Welles and all the people involved in getting this dog park. He said the dog park is open to all and this organization is putting

in their own money to pay for the fence and he hopes that Council will go with the recommendation of the Planning and Zoning Board.

Mrs. Turner asked as a point of order, is a vote of City Council required to approve the site plan.

Mr. Coment explained that Council is required to approve the site plan because in the lease agreement signed by both parties it states that any improvements made to the property will have to be approved by City Council.

Mrs. Turner reviewed the Marine Commission minutes and asked if staff knew when the Marine Commission would be providing the letter outlining their concerns.

Mr. O'Connor understood that the Marine Commission was in the process of drafting the letter. He explained the Commissions' main concern was future expansion of the Marina, which he did not see occurring anytime in the near future.

Mr. Fletcher made a motion to adopt staff's recommendation and approve the site plan. Ms. Graves seconded the motion.

Mr. Kramer suggested in the future that items that need action taken be an agenda item.

The motion passed unanimously.

Mr. Tim McNamee, Vero Beach Lifeguard Association Board member, expressed to Council that the Lifeguard Association was donating three automatic blood pressure and pulse monitors to the Vero Beach Recreation Department for use in their lifeguard towers.

Mr. Scott Caviness, Vero Beach Lifeguard Association Board member, felt that Council should consider extending the hours at Humiston Beach. He explained there is an erosion barrier at that beach and he really thinks having the extended hours is important.

Mr. O'Connor thanked the Vero Beach Lifeguard Association for their contributions to the Vero Beach Recreation Department.

Mr. Herb Whittall, 19 Park Avenue, was happy that the City Manager was working with the County Administrator on hiring their Code Enforcement Officer who enforces the fertilizer Ordinance. He commented that he recently witnessed someone blowing grass into the Lagoon. He spoke to the person about his concerns and the person blew the grass in the other direction. He mentioned meetings that he attends concerning the Lagoon and felt the importance on having someone from the City Council attend those meetings and requested that they appoint someone to go to the meetings. He said the whole community needs to be working on the Lagoon problem. He said the next meeting will be on July 26th at the County Administrative building.

Mayor Winger volunteered to attend the meetings through November. He was sure that if there was a meeting that he could not attend that Mr. Kramer or Mrs. Turner would go in his place.

Ms. Alma Lee Loy, 2036 35th Avenue, commented that she has spent many years helping to develop recreation in this City and County. They are so fortunate to have as many Parks in the community that they have. It means so much to so many for different reasons and they need to protect the Parks for future generations. She urged Council to adopt the Ordinance calling for some of their Parks and Crestlawn Cemetery to be included in the Charter (Ordinance to be heard today under public hearings).

Mr. Joseph Guffanti, 441 Holly Road, referred to an article that appeared in the Press Journal on July 10, 2014 indicating that the Mayor proposes a new utility plan and said the sale would violate the bond covenant. He said he listened to a presentation held at one of their meetings concerning the bonds and their City Attorney had a different opinion. At that meeting he thought they were arguing about the meaning of the word impediment. His position was that the bonds are not an impediment to this sale. The article in the Press Journal said the sale would violate a bond conveyance. To set the record straight Mr. Guffanti said that he was correct in saying that they were an impediment. The article also said the Mayor wants an independent governance for the power system. He said this is being done to divert the public's attention to something else. After the presentation given this morning by Mr. Wright, he does not know if the sale is going through or not. He last heard it was a dead deal and then this morning heard the sale can't go through, but the City has to live by the contract that will never come to attrition. Now they are binded by FPL about things they can or can't do. He doesn't understand why the City can't go to FPL and say if we cannot do the agreement then lets rip up the contract. The City is in charge of running the power system and the Mayor is saying that you have to find someone that is competent and now he wants someone else to do the job. Mr. Fletcher is against having a Utility Authority and Mr. Guffanti can see why, because this would be passing the buck and the thought of passing this on to someone else is ludicrous. He said no matter how bad an idea there is, someone will jump on the band wagon in favor of it. In conclusion, Mr. Kramer said it is just a matter of time that a few thousand dollars will influence the election. He said "matter of time," it has already happened.

Mr. Charles Wilson, 2134 18th Avenue, noted that with the invocation given this morning there was a showing of free speech and letting people talk when you don't agree with them. Later on in this meeting an attempt is being made to change the rules and limit speech on the agenda. His first question was who put this on the agenda and who wanted the change to the agenda. He continued by saying there has been no sale on the electric issue, which has left them holding a bag of debt. He said the only decision worse than getting into the FMPA deal was requiring that they stay with FMPA. He recalled the Mayor has agreed to sell the electric utilities for a fair price being the best option and that may still be achievable. Although he feels self interest may have killed their best option. There is another way to separate them from the FMPA and get out of the plan by 2016. He said a group of dedicated people are working on that. He said they can give up, shut

up and pay their bill, or stand up for Vero Beach and fight. All the talk that there are no options is inaccurate.

Mr. Don Lampson read a prepared statement (please see attached).

Mayor Winger closed public comments at 10:53 a.m. and Council took a break and the meeting reconvened at 11:00 a.m.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – June 17, 2014**
- 2. Tennis Court Improvements at Riverside Park and Charles Park (Bid #140-13-PJW) – Final Payment Request**
- 3. Final Pay Request from P&C Demolition and Construction, LLC, for Demolition of Building at 2625 Airport Drive (Bid #010-14/CSS; FDOT #429707-1-94-01)**
- 4. S. Allan Luihn’s Request for Partial Release of an Easement – 1565 Wyn Cove Drive (Lot 14, Wyn Cove Subdivision)**
- 5. Partial Release of Special Assessment Lien – Abatement of Unsafe Building**
- 6. Request from the Veterans Memorial Island Sanctuary Advisory Committee to expend funds of up to \$700 to restore a bronze World War II marker**

Mrs. Turner asked in the future when they have abandonment of leases that it be clear on why the property is being abandoned and who is requesting it.

Mr. O’Connor explained that typically an easement abandonment starts with the property owner, but he will make sure that in the future it is clearer in the backup material that Council receives.

Mr. Coment commented that with 2D-4) this was for approval of a partial release of an easement that the County had originally and the easement was being reinstated into the City.

Mayor Winger opened and closed the public hearing at 11:01 a.m., with no one wishing to be heard.

Mr. Kramer made a motion to adopt the consent agenda. Mayor Winger seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

A) ORDINANCES

1) An Ordinance of the City of Vero Beach, Florida, Providing for Amendments to the City of Vero Beach Charter, Section 5.05, relating to Limitations on the Sale, Lease, Trade, or Gift of certain City-owned Parks and Public Lands; calling for a Referendum to be held on Tuesday, November 4, 2014, to present the Proposed Amendments to the Electors of the City; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Council

Mayor Winger read the Ordinance by title only.

Mr. O'Connor reported that what they are trying to do is place into the Charter certain land and Parks. He provided them with an outline that shows the Parks and City properties that are currently included in the Charter and City Parks and Properties to be added to the Charter (please see attached).

Mayor Winger opened the public hearing at 11:03 a.m.

Mr. Mark Mucher, 617 Indian Lilac Road, recalled that he presented to Council a request to use this opportunity to correct the Charter regarding the Power Plant and Sewer Plant properties regarding a change of use. He said that was the original intent of including those two properties in the Charter. He guessed they were not taking this opportunity to make that change or correction. He is opposed to the Old City Nursery site being protected. He said it is nothing but surplus land. The way this Ordinance is written is that the City voters vote for all of these properties to be in the Charter or for none. They are not separated. This is the first time Lake Rose has come to his attention and he hoped someone could explain to him why Lake Rose is being included in the properties to be protected.

Mr. O'Connor said because Lake Rose is a City owned parcel.

Mr. Mucher expressed that there are a lot of City owned parcels that are not on this list. He did not feel that Lake Rose needed Charter protection.

Mr. David Gay, Chief Surveyor, explained that Lake Rose was originally labeled a Park on the plat and it really is a retention pond. He said that Lake Rose is not used for any Park purposes, but it was shown as a Park when it was dedicated to the City. He said it is truly not a Park, which is why it is listed as City property.

Mr. Mucher commented that if they were going to protect a retention pond then he guessed they were going to have to protect the Dodgertown golf course because there is discussion of putting a retention pond there.

Mr. Guffanti asked what percentage of the land in the area in Vero Beach do they represent.

Mr. Gay could not answer that question.

Mr. Guffanti was in favor of land being left vacant for the future.

Mr. Ken Daige, 1846 21st Avenue, thanked Council for allowing the Committee to meet to gather all this information to look at. He also thanked staff for their help in providing all of the research on these City properties. He asked Council to approve this Charter amendment. He said these properties do belong to the City and the City is not that large. He said that Lake Rose (retention pond) was earmarked as a Park and there is wildlife that surrounds it and that body of water does serve a purpose. He asked Council to support the Ordinance.

Mr. Gay made a correction and said that Lake Rose was labeled as a “lake” on the plat and dedicated to the public.

Mayor Winger closed the public hearing at 11:12 a.m., with no one else wishing to be heard.

Mrs. Turner thanked Mr. Gay and the Committee for cleaning up the boundaries of these Parks. She would like to see the Cemetery included in this Referendum, but having it listed as item 22 in a list of 26 indicates a lack of transparency and appears to the public that it is being hidden. The Charter provision under Section 5.05 states that the following Parks and public lands may not be sold, leased, or traded by the City unless such sale, lease, trade, is approved by a vote of the electors of the City. She said according to the Cemetery Deeds the City use they are in fact selling lots at the Cemetery. Therefore, it is not appropriate to have it in this section, as well as the Old City Nursery, which is vacant property located off of Old Dixie Highway. She said the Old City Nursery is included in the Ordinance as a potential expansion of the Cemetery and therefore no land there could be sold under this provision if it is put in the Charter.

Mr. Fletcher commented that Mrs. Turner had a good point concerning Crestlawn Cemetery property. He said lots could not be sold without having a referendum.

Mr. Coment agreed. He said that this City actually issues deeds for cemetery property that is sold and most places issue certificates for burial rights. He said the wording on their deeds could be changed.

Mrs. Turner showed a copy of the deed that is being used for the sale of lots at Crestlawn Cemetery and read the document. She said there is no question that property is being sold.

Mayor Winger told Mr. Coment that if he has to change the wording on the certificates then do it. He wants to protect the Cemetery and the possible expansion across the street. He is in favor of retaining the Cemetery.

Mr. Fletcher said they could retain the Cemetery some other time.

Mr. Coment explained in going forward they would not be allowed to make any of those sales. He said they would need to amend the Code, which talks about issuing a deed and then adopt language that has to do with selling burial rights.

Mr. Fletcher asked what happens to his family plot at the cemetery that he already has a deed to. Mr. Coment told him that would not change.

Mr. Kramer felt the problem was a Charter change is being made and now they are talking about coming back with an Ordinance to override the Charter, which is something that cannot be done. He suggested putting in the referendum language an exception to the Cemetery land. He said an Ordinance cannot supersede the Charter.

Mr. Coment said that could be done, but they are still selling burial rights and not selling the land if they change the way the City operates.

Mr. Fletcher suggested making the change in the Ordinance first and then this can be done.

Mr. Coment said that the referendum item would not be voted on until November.

Mr. Fletcher understood that, but said that the Ordinance needs to be changed first.

Mrs. Turner agreed that they could not approve this Ordinance, which is in conflict with their existing Code.

Mr. Coment explained that this would not take effect unless it is approved in November by the vote of the electors.

Mayor Winger was still in favor of moving forward knowing that the change could be made before November.

Mr. Fletcher made a motion to adopt this Ordinance with the exception of the Cemetery and that the Old City Nursery also be excluded as well because it is for expansion of the Cemetery.

Mayor Winger suggested tabling this Ordinance and making sure that the Cemetery is included in it.

Mr. Kramer asked if by tabling the Ordinance would it meet the timeline for the November election. He was told that it did.

Mr. Fletcher reworded his motion to instruct the City Attorney to make the necessary changes in the Ordinance to change from deeds being issued to burial rights and bring that to Council at their next meeting.

Mr. Kramer was leery of making any motions until the legal department has time to research this.

Mrs. Turner agreed that it does need further investigation.

Mayor Winger made a motion to table this Ordinance until the next City Council meeting with the instructions that at that time the City Attorney will come forward with the proper backup and an Ordinance. Mr. Kramer seconded the motion and it passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) RESOLUTIONS

1) A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning all City of Vero Beach interests in a portion of certain Utility Easements located in Block 28, Royal Park, Providing for an Effective Date. – Requested by the Public Works Department

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that these easements are being released as part of a replatting of the subject lots. This release was originally received and routed for review by various City departments and outside utilities in April, 2007. The release of easement stayed dormant until May of this year when the applicant opened communication with AT&T and Comcast regarding relocating their existing facilities. Sufficient approval from those utilities and the various departments has been received in favor of releasing the easement.

Mayor Winger opened and closed the public hearing at 11:22 a.m., with no one wishing to be heard.

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

2) A Resolution of the City Council of the City of Vero Beach, Florida, abandoning all City of Vero Beach interest in the Utility Easement recorded June 19, 2007 in Official Record Book 2176, at Page 1180, all being part of the Public Records of Indian River County, Florida. – Requested by the Public Works Department

Mayor Winger read the Resolution by title only.

Mr. O'Connor reported that this application has been reviewed by various City departments, as well as outside utilities and all the responses received were favorable for the request to release the easement.

Mayor Winger opened and closed the public hearing at 11:23 a.m., with no one wishing to be heard.

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

- 3) **A Resolution of the City Council of the City of Vero Beach, Florida, abandoning all City of Vero Beach interests in a portion of those certain Utility Easements Recorded August 1, 1955 in Deed Book 98, Page 487, all being part of the Public Records of St. Lucie County, said lands lying and being in Indian River County, Florida. – Requested by the Public Works Department**

Mayor Winger read the Resolution by title only. He wondered why St. Lucie County was included in the Resolution.

Mr. O'Connor explained that at one time they were in St. Lucie County.

Mayor Winger opened and closed the public hearing at 11:24 a.m., with no one wishing to be heard.

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

4. FIRST READINGS BY TITLE FOR ORDINANCES AND RESOLUTIONS THAT REQUIRE A FUTURE PUBLIC HEARING

- A) **An Ordinance of the City of Vero Beach, Florida, amending Section 60.16 of the Land Development Regulations of the City relating to Restrictions on the Location of Establishments dealing with or in Alcoholic Beverages; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

Mayor Winger read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, reported that in 2010 the City amended the City Code to bring it into compliance with the Florida Statutes regarding zoning requirements for separation of licensed premises from schools. In amending the City's regulations, the restriction on locating a licensed premise within 500 feet of an established place of worship was not addressed. He said that Indian River County amended its regulations to bring them in line with the Florida Statutes and to eliminate restrictions on the locating of licensed premises within 500 feet of a place of worship. He said that over the past few years, more churches have moved into shopping centers utilizing space traditionally occupied by commercial uses. Unlike for schools, the Florida

Statutes are silent regarding restrictions on the location of a licensed premise in relationship to a place of worship, leaving the enactment of any such restrictions to each local government under its home rule powers. The Planning and Zoning Board and staff recommend approval of the Ordinance.

Mayor Winger opened and closed the public hearing at 11:26 a.m., with no one wishing to be heard.

Mr. Fletcher recalled that in the past any time that a church moved into an area where a bar was already established the church accepted the fact that the bar was already there and there was nothing they could do about it.

Mr. McGarry explained to Mr. Fletcher that was still in effect. He said that the passage of this Ordinance would affect someone wanting a new license.

Mayor Winger wondered if there was any need to change the way they have been operating. He recalled that in the Kmart shopping plaza there is a bar and a church located in the same vicinity. He said if something comes up in the future they could treat each case separate.

Mr. McGarry explained that the Code would need to be changed. He is looking at this as a housekeeping issue.

Mrs. Turner made a motion to hold a second hearing on August 19, 2014. Mr. Kramer seconded the motion.

Mr. O'Connor commented that when this Code was first introduced there were not store front churches.

Mr. Fletcher wanted it made clear that businesses that have already been established do not have to close down just because they are less than 500 feet. Mr. McGarry told him that was correct.

The Clerk polled the Council and the motion passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, Mayor Winger yes.

B) An Ordinance of the City of Vero Beach, Florida, to Amend the Comprehensive Plan Future Land Use Map by Changing the Future Land Use Designation from Residential Medium and Government/Institutional/Public Use to Residential High for properties located South of 18th Street between 17th and 20th Avenues, including Leased Public Lands and Lots 7 and 8, Block 4 of Edgewood's Second Addition to Vero, containing 2.12 acres, more or less, as requested by St. Francis Manor of Vero Beach, Florida, Inc.; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Planning and Development Director

Mayor Winger read the Ordinance by title only.

Mr. McGarry explained that St. Francis Manor of Vero Beach has submitted a request for a small scale amendment to the City of Vero Comprehensive Plan Future Land Use Map requesting a Future Land Use Map amendment from RM, Residential Medium and GU, Government/Institutional/Public Use to RH, Residential High, for properties located south of 18th Street between 17th and 20th Avenues, including leased public lands and Lots 7 and 8, Block 4 of Edgewood's Second Addition to Vero, containing 2.12 acres. He said that most of this land is owned by the County or the City and is being leased.

Mayor Winger opened and closed the public hearing at 11:31 a.m., with no one wishing to be heard.

Mr. Kramer made a motion to hold the second public hearing on August 19, 2014. Mrs. Turner seconded the motion.

Mrs. Turner commented that St. Francis Manor serves such a great need in their community to provide housing for less fortunate seniors. She had no doubt that those needs will continue to increase as the elderly population increases.

The Clerk polled the Council and the motion passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes and Mayor Winger yes.

C) An Ordinance of the City of Vero Beach, Florida, to amend the City of Vero Beach Official Zoning Map by changing the Zoning Designations from RM-10/12, Medium and High Density Multiple-Family Residential and H, Hospital and Institutional to RM-13, High Density Multiple-Family Residential, for properties located South of 18th Street between 17th and 20th Avenues, including Leased Public Lands and Lots 7 and 8, Block 4 of Edgewood's Second Addition to Vero, containing 2.12 acres, more or less, as requested by St. Francis Manor of Vero Beach, Florida, Inc.; Providing for an Effective Date. – Requested by the Planning and Development Director

Mayor Winger read the Ordinance by title only.

Mr. McGarry reported that this was the companion Ordinance to the Ordinance that they just discussed (item 3B-2).

Mayor Winger opened and closed the public hearing at 11:33 a.m., with no one wishing to be heard.

Mr. Fletcher made a motion to set the second public hearing for August 19, 2014. Mrs. Turner seconded the motion and it passed 5-0 with Mr. Fletcher voting yes, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

5. CITY CLERK'S MATTERS

Mrs. Vock announced that there would be only one (1) Council meeting held in August and it will be held on August 19, 2014 at 9:30 a.m.

6. CITY MANAGER'S MATTERS

A) Petition to Allow Serving of Alcoholic Beverages on Private Beach Property Pursuant to a Beach Services Use Permit

Mr. O'Connor reported that he received a petition from representatives of four (4) beach hotel and food service establishments requesting that the City authorize the serving of alcoholic beverages in conjunction with food service to patrons and hotel guests on beach areas on their properties. Over the last several years, the City has administered a "Beach Services Use Permit Program." This permitting program allows hotels and food establishments to provide food and non-alcoholic beverage services, as well as guest/patron amenity services, such as provision of towels, beach chairs, etc. To obtain a Beach Use Permit, the applicant must first submit a Code Compliance Certification Application to the Planning Director/City Manager for approval and the permit runs for one-year and may be renewed. If Council approves this request, staff will prepare an amendment to the Land Development Regulations to codify the rules and regulations for Beach Services Use Permits. Staff will then begin to accept, process, and approve applications from eligible applicants proposing to serve alcoholic beverages solely in conjunction with food service. Beach Services Use Permits to be issued will have additional rules and regulations pertaining to alcoholic beverages to be consistent with State and City regulations regarding licensed premises. Each permit will be valid for one-year or until the Land Development Regulations are amended, whichever comes first. Mr. O'Connor said that he feels this will help spur business for these establishments and the tourism in this community and there are no costs to the City. If the City had to go and do some sort of cleanup then the costs to do that would be imposed on the property owner.

Mr. McGarry mentioned by allowing alcohol on the beach that there will need to be some signage put up so people are not wondering on the beach carrying alcoholic beverages.

Mayor Winger asked if the Council and the public will be seeing some specific wording. Mr. McGarry said that there will be specific wording in the Beach Services Use Permit and then this will eventually be codified.

Mayor Winger opened the public hearing at 11:37 a.m.

Mr. Joseph Guffanti wanted to know if people are drinking on one side of the property line and people on the other side see this, how is the City going to stop them from drinking. He was in favor of this, but was not sure how it was going to work. He asked who owns the properties adjacent to these properties and how far out do they go to the ocean.

Mr. O'Connor explained that the alcohol can only be served with food and served from the hotel. He said table and chairs would need to be set up in order to serve the alcohol with food and the tables would be located on the sand in front of the establishment. The establishments would be allowed to serve alcoholic beverages extending to the average mean high water mark.

Mr. Guffanti asked how they would inform pedestrians that they are not allowed to walk up and down the beach with an alcoholic beverage in their hand.

Mr. O'Connor said it would be enforced the same way it is being enforced today.

Mrs. Turner added that glass containers would not be allowed on the beach.

Mr. Coment expressed in reviewing this matter he discovered that there are a lot of cities that allow alcohol on their beaches.

Mr. O'Connor went over the 11 stipulations in the petition provided to them (please see attached).

Mr. O'Connor added that plastic straws would not be allowed on the beach.

Mr. Ed Riley, General Manager of Costa d'Este Beach Resort & Spa, said that he is at today's meeting representing the group on this petition who currently believe they all do a good job in policing the beach. He said this is about having a family day at the beach and not about having a party on the beach. It is a convenience offered to their guests.

Mayor Winger closed the public hearing at 11:44 a.m., with no one else wishing to be heard.

Mrs. Turner made a motion for approval.

Mr. Fletcher expressed that he was strongly against allowing this.

Mayor Winger seconded the motion.

Mr. Kramer commented that this is the third alcohol related item on their agenda. He doesn't want Vero Beach to be stigmatized as promoting this. He wondered if they pass this it is more of a privilege than a right.

Mr. O'Connor answered Mr. Kramer's comment by saying it was not a right, but it is a licensed permit.

Mr. Kramer said if this should get out of hand the City would have the option of not approving the license going forward.

Mr. O'Connor agreed with Mr. Kramer's comments and said that they would also have the right to change any of these parameters with the issuance of the license.

Mr. Kramer commented that typically he does not like the idea of having alcohol on the beach, but he knows the people involved are a class act.

Mr. Fletcher mentioned that there are a lot of class acts in Daytona, but you see drunks all over the place.

Mr. Kramer wanted to make sure that they don't do this in a way that they have a right to do this, but this is a privilege and if it is abused then it goes away.

Mrs. Turner repeated her motion that they would approve the permit to allow these establishments to serve alcohol. Mayor Winger seconded the motion. The Clerk polled the Council and the motion passed 4-1 with Mr. Fletcher voting no, Ms. Graves yes, Mrs. Turner yes, Mr. Kramer yes, and Mayor Winger yes.

B) Annual Street and Parking Lot Resurfacing Program Annual Contract – COVB Project #2014-08 – Bid No. 110-14/JO

Mayor Winger had some questions with funding for this project if the bid was for \$600,000 and they have a budget of \$200,000.

Mr. O'Connor explained they have in the capital budget between this year and next year \$584,000. So what they would do is reduce the scope of the work to stay within their budget. They would accomplish this by milling only the travel way on Ocean Drive and leaving the parking areas, which are still in good condition, out of the scope of work.

Mayor Winger asked Mr. Fletcher and Mrs. Turner because of their backgrounds, if this proposal to do the work in this fashion would work.

Mr. Fletcher said that they could make it work.

Mayor Winger referred to the schedule and all of the streets listed on it. He asked if all these street resurfacing projects are included in the \$600,000.

Mr. O'Connor said they are if all of these projects occurred. He felt that there was at least \$150,000 that they could take out of this anticipated budget that would not affect the quality of service taking place.

Mayor Winger asked when 14th Avenue would be done.

Mr. Don Dexter, Public Works Manager, explained that the Ocean Drive project would be done the first two (2) weeks in September and 14th Avenue would be done shortly after that.

Mrs. Turner asked why there were only two (2) bidders.

Mr. Dexter reported that the Purchasing Department put this out for bid as they normally do and they only received two (2) bids from different contractors to do the work. He said that he was also surprised.

Mayor Winger opened the public hearing at 11:51 a.m.

Mayor Winger commented that they need to have the projects on Ocean Drive and 14th Avenue done. He reiterated that they have only budgeted \$200,000 in the capital plan and need \$600,000 a year. He does not believe they are proceeding the way that they should.

Mr. O'Connor reported that in the future staff will give a presentation to Council on how they operate their paving software program and how these streets are selected.

Mrs. Turner expressed that the Mayor keeps saying \$600,000 is what they need and she did not think that dollar amount has been established yet. She said in having reviewed capital plans back as far as 2007, the City has been spending around \$200,000 a year for their road maintenance. She said looking at the projects planned for next year, with the Aviation Boulevard project there is a huge amount of money being spent on roads. She felt that the \$600,000 requirement has yet to be established. She said in those years where more money has been budgeted, they have not been able to complete all the work.

Mayor Winger stated that he was reflecting what their Public Works Director said, which was that the City needed to spend between \$600,000 and \$800,000 for street and paving projects and he tends to believe him (Mr. Monte Falls). He said he is willing to vote in favor of this and when they have the presentation on the inventory of their streets they will find out what kind of shape they are in. He did not want this community to have second class streets. He told Mrs. Turner that she wins the argument today.

Mrs. Turner said they need to establish the cost figure and it needs further study.

Mr. Fletcher made a motion to approve staff's recommendation. Ms. Graves seconded the motion.

Mr. Kramer asked if they were still working to free up the Dodgertown golf course. He would like to see them have a good outcome with that so they can solve this issue. He felt that this could be done without raising taxes.

Mrs. Turner asked the status of the letter that the Mayor or someone from Council would be presenting to the County Commission.

Mr. Coment asked Council if they want to review the letter first before it goes out. He said that what he has done is gone through historical documents in determining why they have restrictions on the property in the first place.

Mrs. Turner requested that at the next County Commission meeting that this letter be presented to them.

Mayor Winger had no problem with presenting the letter.

The motion to approve staff's recommendation passed 4-1 with Mayor Winger voting no.

C) RFP Evaluation Results – General Employee Retirement Plan Defined Contribution Plan

Mr. O'Connor reported that he is currently negotiating with the Unions to freeze the City's Defined Benefit General Employee pension plan, and replace it with a Defined Contribution Plan beginning in fiscal year 14-15. In order to meet that schedule, should negotiations be successful, the City issued a Request for Proposal (RFP) for a General Employee Retirement Plan Defined Contribution Plan provider. Staff is asking for City Council approval to negotiate an agreement with ICMA-RC to administer a Defined Contribution Plan for their General Employees. This negotiated agreement may come back to City Council for consideration depending on the outcome of the collective bargaining process currently underway with the City and the Teamsters Union.

Mayor Winger opened and closed the public hearing at 11:56 a.m., with no one wishing to be heard.

Mrs. Turner commented that she was happy that they were addressing their unfunded pension plan and are making great steps in closing down their Defined Pension Plan. She appreciated the Evaluation Committee's rankings and that it was unanimous to recommend ICMA-RC as their number one choice.

Mrs. Turner made a motion to move forward. Mayor Winger seconded the motion and it passed unanimously.

Mr. O'Connor provided some information on the Septic Tank Effluent Pumping (STEP) System (please see attached). He told Council if they have any questions either himself or the Water and Sewer Director would be happy to answer them.

7. CITY ATTORNEY'S MATTERS

A) Ordinance and Resolution related to Council Meetings and Order of Business Amending Chapter 2 of the Code

Mr. Coment reported that he and the City Clerk met individually with each Councilmember regarding their comments on the revised agenda. He said unfortunately they were not able to meet with Mr. Fletcher. After meeting with the Council on the things that were consistent he tried to incorporate them into the form they were suggesting. He said this is Council's pleasure as these are their rules on how the meeting

is conducted. There were some changes in State law that they were trying to incorporate. He said that Council has not been following what is in the Code, so they tried to modify it as to the way things are actually handled and by taking the requests and suggestions by different Councilmembers.

Mr. Coment referred to the Resolution and explained that the two things that seem to change quite often is the Order of Business (agenda format). He suggested adopting that Order of Business by Resolution so that it can easily be changed in the future. The same thing would go for meeting dates and times. The one thing that they were recommending adding was adopting some sort of rules of procedure. He said every now and then a question will come up that it would probably be a good idea to adopt some sort of procedures to fall back on. He said the most common parliamentary rules are Roberts Rules of Order. He gave Council some options to choose from, which are outlined on Page 7 of 12 in the proposed Ordinance.

Mayor Winger felt that they needed to deal with a couple of the issues and then open it up to public comments. He said as far as parliamentary procedures goes, he could go with either the second or third alternative on page 7 of 12.

Mr. Fletcher noted that you can get really hung up with Roberts Rules. He said that there has never been a problem where they haven't been able to work it out themselves. He did not want to put a fallback on Roberts Rules.

Ms. Graves recalled at one of their meetings there were some questions on some of the motions on the floor. Mayor Winger said on that occasion he fell back on Roberts Rules.

Mr. Coment explained with Roberts Rules there is a chart showing which motions take precedence. He did not think it was a bad idea to have something in place.

Mr. Fletcher added that Council usually defaults to the Mayor to make the decision if one needs to be made. There is plenty of leeway in the way that they are currently conducting their meetings.

Mayor Winger understood that Mr. Fletcher's point was while as Mayor he chooses to use Roberts Rules the next Mayor may choose not to and that is his or her decision.

Mr. Kramer expressed it is in the Charter that way and does not matter what Ordinance passes. He said the Charter supersedes the Ordinance. The Mayor is in charge of running the meeting.

Mrs. Turner said she would stick with Roberts Rules because it is generally accepted and most people are familiar with it.

Mayor Winger stated that he would rather have a fallback to Roberts Rules. He asked Mr. Kramer for his thoughts.

Mr. Kramer said if that is the Mayor's discretion then he is okay with it. Mayor Winger told him then you are binding future Mayors. Mr. Kramer disagreed. He said the Charter is the controlling document.

Mr. Coment stated that what the Charter says is that the Council should determine its own rules and order of business.

Mr. Fletcher said at a specific meeting they decide what the rules are. He would like to leave this the way it is.

Ms. Graves liked having something that they could defer to. She said whatever choice of procedures that the Mayor chooses to use needs to be clear to all of the Councilmembers. She would like to see a fallback to Roberts Rules.

Mrs. Turner reiterated she would also go with a fallback to Roberts Rules.

Mr. Kramer had no problem from year to year adopting different principles. He could not support tying the hands of future Councils.

Mr. Coment reminded Council that this was an Ordinance and could be amended.

Mayor Winger stated that he wanted to fall back to Roberts Rules of Order.

Mr. Fletcher asked Mr. Coment why did he decide to put public comment at the end of the agenda. He would strongly disagree with it.

Mr. Coment said referring to general public comment was the consensus that was given by Council.

Mr. Fletcher said they would make the public wait for three (3) hours before they are allowed to speak.

Mrs. Turner explained that the public would be able to comment on the consent agenda and any items that Council was voting on. She said that this is just general public comments not specific to agenda items.

Mr. Fletcher felt that public comments still needed to be at the beginning of the agenda. He said they should let the public say their comments and then they can move on.

Mayor Winger commented on the enforcement of the three (3) minutes. He recalled that they have had late meetings that included unscheduled presentations. He had no problem with leaving it the way it is, but doesn't like them to get into the public business when they are tired. Mr. Fletcher said that is what Council gets paid the big bucks for. Mayor Winger said then they need to enforce the three (3) minute rule or he has no problem changing it to five (5) minutes, but it is something that they need to do.

Mr. Fletcher stated that Council's primary concern should be the public's input and not how tired they are.

Ms. Graves agreed that their primary input should be the public, but at the same time at late meetings when they are still discussing items on the agenda there is room for mistakes. She doesn't want to make people wait, but wants to make sure that what is in front of them Council is doing their due diligence and not rushing through things.

Mr. Kramer thought that they could have public comment in the beginning and at the end before the Mayor limits it to three (3) minutes. He agreed that making decisions when they are tired does not serve the public's interest very well.

Mr. Joseph Guffanti stated that he has been coming to these meetings for over 20 years and he does not see any problems. There is a problem that arises once in awhile from the belligerence of a Councilmember and then other people, including himself, will react accordingly. He said that most meetings are conducted in a civil manner. One thing he would ask for is consistency on how items are placed on the agenda. One problem they have is having their second meeting of the month at 9:30 a.m. instead of 6:00 p.m., which is the time they normally meet on their second meeting of the month. He thought this meeting today was a night meeting, but after calling the Clerk's office he found out that was not so. He said as far as blabbering is concerned, he is sensitive to that also. He said that maybe he blabbers and if he does it is up to the Mayor to inform him of that and he would not be offended. The City Attorney said that Councilmembers made individual suggestions regarding these changes. He wanted to see a list of those suggestions. He said as far as the Council working late at night they could change the meeting to business hours.

Mr. Kramer had mentioned the word "blabbering" when he spoke earlier and apologized saying that was probably the wrong choice of words.

Mr. Mark Mucher, 617 Indian Lilac Road, commented that when he first saw this agenda he said here they go trying to stifle public comment. The first thing he did was call the President of the Taxpayer's Association and ask them to take a position on this, which he believed they did, but no one from the Taxpayer's Association is at today's meeting to voice their concerns. He believed that they were against it. He said by doing this it is just not because of a few people that they might prevent from speaking. It could be someone like Ms. Alma Lee Loy, who spoke this morning under public comment because she needed to leave the meeting early. He said also if this item is put at the end on the agenda what will happen is some people will have to sit through the entire meeting and make their comments at the end of the meeting, but they could also get up and speak of different items throughout the whole meeting. He was very much against this change to the agenda.

Mr. Charles Wilson, 2134 18th Avenue, stated that he was the blabber that this is aimed at. He said whether they put public comment at the beginning of the agenda or at the end of the agenda he will be at their meetings. He said that this is an insult to the public. It is

an insult that they believe that public comment has nothing to offer Council during their meeting and that they derive nothing from public comment other than people coming to the podium to blabber. He said when people come to their meetings and speak they are coming because they have something to say. He said whether or not it is important to Council, it is important to the person speaking. He said when they come to the meeting and know that public comment is at the beginning of the meeting and know that is when they are going to be allowed to speak if they have time constraints they can attend the meeting knowing when they will be heard. If public comment was put at the end of the meeting they have no idea when they will be heard. He said what the public has to say is important and there have been important items discussed that were later brought up by this Council. He said as far as time limitations, staff has unlimited time to talk to each Councilmember. He said staff has unlimited time when they come before Council to give testimony and they have unlimited time when they are putting their positions before this Council. He said that Council has unlimited time and for the public to have to debate a serious issue before this Council and have some sort of limitation, such as three (3) minutes, they may not be able to get their point across. He believes this is a blatant attempt to further limit speech and further limit criticism of the sitting City Council for their behavior. The reason he is not surprised this has come up is because it has been written about and requested by Mr. Mark Schumann and Ms. Bea Gardner. These individuals have said that public comment needs to be at the end so the people speaking at the beginning of the meeting would not put their ideas forward at the beginning of the meeting for Council to consider. He knows this was requested by someone and he is quite sure he knows who requested it. It is a blatant attempt to further limit speech and to limit transparency. There are important items that will be discussed soon like having a Utility Authority. He did not think they would be able to discuss that matter in three (3) minutes. He said one thing they might consider is having their meetings on the first and fourth Tuesday, because the County Commission does not meet on the fourth Tuesday. This way at least the Council would be able to attend and interact with the County Commission at one of their monthly meetings. He brought up Roberts Rules of Order and said if you know Roberts Rules of Order the meeting could be tied up for hours. The reason they may not want to do it is because the Mayor does have the authority to conduct the meeting and if the Mayor makes a decision that Council wants changed they can make a motion to appeal the decision of the Chair. He said the whole idea of putting public comment at the end of the meeting is horrible and he does not understand why the Mayor would want to go down as the Mayor... Mayor Winger called for a point of order and said that he is not behind this. Mr. Wilson said the City Attorney said that he received the consensus of Council and he can count two Councilmembers who were not in favor of this. Mayor Winger said he did not start this in all fairness and thought that it was a good topic conversation, but he did not start it.

Mr. Coment said for point of clarification himself and the City Clerk have been looking at this for some months and originated it and no Councilmember or anyone else asked for it. It is because the State law imposed more restrictions on allowing public comments and they wanted to incorporate that into the Code. Also, there were things in the Code that were not being followed and needed to be modified. It originated with the City Clerk and the City Attorney in taking it to the City Council and discussing it ahead of time to

figure out what the rules needed to be. He asked Mr. Wilson when does he get to speak at the County Commission meetings. He asked is it first on the agenda. He said in reviewing the County's agenda it looks like public comment is heard after public hearings.

Mr. Wilson stated that public comment does come up first on the City Council agenda. He said the only public body that conducts their meetings the way that is being suggested here is the School Board who shuts down all comments. He told Mr. Coment that when he said he brought this up because it was State law, that State law does not require them to put public comment on the agenda.

Mr. Coment explained that there needed to be changes made in the Ordinance according to changes made by State law.

Mr. Wilson asked whose idea was it to move public comment to the end of the meeting.

Mr. Coment said there was a request from more than one Councilmember.

Mayor Winger said he did not make the request.

Mr. Guffanti asked how he gets the list that will show who the Councilmembers were that made this request.

Mr. Coment said that he would provide Mr. Guffanti with a copy of his notes.

Mr. Guffanti felt this was a hindrance, not to him, but to a lot of people who come to their meetings for a particular issue.

Mr. Ken Daige asked Council to please leave the agenda the way it is. He said there are elderly people who come to their meetings and like to be heard first. He understands that sometimes their meetings get long, but it is the people's business. There are rules they can enforce, but most people stay between three (3) and five (5) minutes when speaking to Council. He said the Mayor can always ask Council if they want a person speaking at the podium to be given more time to speak and the three (3) minute rule can be enforced if it needs to be.

Mr. Dan Lamson stated that as a person who attends a lot of these meetings he enjoys hearing what the public has to say. He suggested having both of their meetings at night, which would make it easier for younger people to be involved. During the day they usually have to work. He knows that public comment can sometimes go very long. He suggested if there are a lot of people in audience attending the meeting on a particular subject then that item can be moved up on the agenda under additions and deletions.

Mayor Winger closed the public hearing at 12:36 p.m., with no one else wishing to be heard.

Mayor Winger wanted to make it clear that if someone wants to make a presentation before Council they are able to fill out a form requesting the amount of time needed to make the presentation. He likes the form and it would require approval from a Councilmember in order to be on the agenda. He said that what he will do as long as he is Mayor is give a three (3) minute signal and let someone speak for five (5) minutes if they need to. If Council wants the speaker to have more time then any Councilmember can request that. He agreed with leaving public comment in the beginning of the agenda.

Mr. Kramer told Mayor Winger that as Mayor he runs the meeting and is doing a good job.

It was the consensus of Council to leave public comment at the beginning of the agenda.

Ms. Graves liked the suggestion of moving an item up on the agenda if there are a lot of public attending the meeting to hear a particular item. Council agreed with the suggestion.

Mr. Winger asked Mr. Coment where they go from here.

Mr. Coment explained that nothing needs to be changed if Council does not want to change anything. He said that the Resolution was for the Order of Business. If Council wants to leave the agenda in the Code then they would not need the Resolution. If they want to modify any of the rules, the changes will be made in the Code.

Mr. Fletcher said in the Resolution the only thing he wants to change is leave public comment at the beginning of the agenda where it is now.

Mr. Coment explained that if Council does not want to make any changes in their Order of Business then they can just leave it in the Code, as is. Council agreed to have the correct times of their meetings done by Resolution.

Mayor Winger asked some of the public who spoke on this item earlier if they had a problem with giving three (3) minutes, knowing they have a total of five (5) minutes and if that is not enough time then they can ask for additional time.

Mr. Guffanti stated that the time is a hindrance to him that he has to consider that at any time he could be shut down. He recalled that at one time there was not any time limitations imposed and he discovered the amount of time that he spoke was less because he didn't have to think about the time he was allowed to speak.

Mr. Fletcher recalled that there is a red switch in front of the Mayor, which can be turned on letting the speaker know they are getting close to speaking for three (3) minutes and they need to wrap it up (completed their thoughts).

Mr. Coment went through the Ordinance to find out if there were some other changes that they want to see made. He said the sections on the agenda and notice need to be cleaned

up. He said nothing changed, it is just putting the items in their proper place. He brought up Special Call meetings and said the way it was written originally was all it really addressed was meetings needed to be called quickly are done so by the Mayor and this is rarely done. He said it addressed that if there was a Special Call meeting then Council has 24 hours to add something else to the agenda. He said a lot of times a Special Call meeting is set by Council and the meeting does not take place until three (3) weeks later, which would give plenty of time to add additional items. He tried to incorporate some more rules when adding agenda items for a Special Call meeting. He said another option is if a Special Call meeting is held it is only for the subject that it was called for. The consensus from Council was to allow additional items to be added to the agenda.

It was the consensus of Council that they would fall back on Roberts Rules if there is an issue that cannot be resolved.

Mr. Coment commented that another area that he cleaned up was the Decorum section of the agenda. He added the section out of State Statues giving the public an opportunity to be heard. He recalled that Council did adopt a Resolution covering this on a temporary basis. He will clean up the Ordinance and bring it back for a first reading.

Mrs. Turner noted that there was a place giving the authority to the Clerk to adjust the agenda order and she would object to that.

Mr. Coment explained that was only for Special Call meetings.

Mrs. Turner wanted it narrowed down to say for a Special Call meeting. Mr. Coment thought that was what was in the Ordinance, but would make sure.

Mr. Coment will bring back an Ordinance for first reading and a Resolution for Council to consider.

8. CITY COUNCIL MATTERS

A. Old Business

B. New Business

9. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Richard Winger's Matters

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

B. Vice Mayor Jay Kramer's Matters

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

3. Comments

Mr. Kramer thanked the Republican Women’s Club for donating money towards new flags. He said for the next meeting he probably will be putting an item on the agenda to discuss the retirees and their pension plan.

C. Councilmember Pilar Turner’s Matters

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

Mrs. Turner reported on the information they received from the Assistant City Attorney regarding Pill Mills (on file in the City Clerk’s office). She recalled that back in 2010 there were two (2) individuals trying to open an establishment in the Miracle Mile area. Thanks to staff they were able to stop that from happening.

Mrs. Turner reported on the last FMPA meeting that she attended where they passed a half a billion dollar budget with only one question being asked. She was unable to vote because she is not on the ARP Executive Board. This Friday FMPA will be holding a FMPA Board meeting. She will be able to ask questions looking out for our utility ratepayers. She briefly reported on the FMPA audit and referred to a letter from Commissioner Peter O’Bryan on the audit scope.

Mrs. Turner reminded the public that on Friday, July 25th it will be Downtown Friday and the them is “Bike Night.” Also, the Heritage Center is hosting a tour of some of the unique buildings that Waldo Sexton built in this County.

D. Councilmember Amelia Graves’ Matters

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

Mrs. Graves thanked everyone who worked hard on the July 4th event.

E. Councilmember Craig Fletcher’s Matters

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

10. ADJOURNMENT

Today’s meeting adjourned at 12:58 p.m.