

CITY OF VERO BEACH, FLORIDA
JUNE 18, 2013 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

1. CALL TO ORDER

A. Roll Call

Mayor Craig Fletcher, present; Vice Mayor Tracy Carroll, present; Councilmember Pilar Turner, present; Councilmember Jay Kramer, excused absence and Councilmember Richard Winger, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney, and Tammy Vock, City Clerk

B. Invocation

Pastor Frank Ellis of Kings Baptist Church gave the invocation.

C. Pledge of Allegiance

Mayor Fletcher led the City Council and the audience in the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mrs. Tammy Vock, City Clerk, requested permission from the Council to add an item on to the agenda. It would go on the agenda under City Attorney's Matters as item 8-B) titled "Noble v. City of Vero Beach."

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

B. Proclamations

1. Pickens Family Reunion – July 12th through July 14, 2013

Mayor Fletcher read and presented the Proclamation.

2. Rotary International Youth Exchange Day – June 18, 2013

Vice Mayor Carroll read and presented the Proclamations to youths who participated in the Rotary International program.

C. Public Comment

1. Mr. and Mrs. Brenneman to give a Presentation on Florida Veggies & More

Mr. Brennan gave a Power Point presentation on their new operations titled "Florida Veggies & More." The presentation is attached to the original minutes.

Ms. Susan Seidler, 1825 21st Avenue, was shocked and offended when she listened to the words of Mayor Fletcher and Mrs. Carroll at the last Council meeting when the Proclamation on Humanist Recognition Week was read. Then a week later Mayor Fletcher issued an apology, but she did not feel that the apology was sincere. She felt that the honorable thing for Mayor Fletcher to do would be to tender his resignation.

Mr. Brian Heady presented a short segment of a DVD of a previous City Council meeting, which is on file in the City Clerk's office. He said that the significance of this short clip was that four Councilmembers voted in favor of removing him from the Utilities Commission. He said that the four Councilmembers set the precedent for this City Council on what to do if some member makes some remarks that they feel are inappropriate. The City Council tonight has the responsibility to ask for a reorganization and to replace the Mayor and the Vice Mayor because they have clearly indicated that they do not belong in their current capacity. He asked Council to do that tonight.

Mr. Winger told Mr. Heady that in all fairness they would listen to the other comments being made by the public at tonight's meeting.

Mrs. Linda Hillman stated that the First Amendment addresses their freedom of rights, which includes the freedom of religion. As a community they are outraged by the comments Mayor Fletcher and Mrs. Carroll made at the June 4th meeting. She said that Mrs. Carroll preached to Mr. Kavoritz and interrupted him three times while he was trying to talk at that meeting. Mrs. Hillman went over some of the things that were said at that meeting by Mrs. Carroll. She said that both Mayor Fletcher and Mrs. Carroll's apologies were not genuine. She asked Mayor Fletcher and Mrs. Carroll to hand in their resignations immediately or she is going to start a petition to have them removed.

Ms. Carrie Ryan and numerous dispatchers from the Vero Beach Police Department appeared before the City Council. Ms. Ryan referred to the Proclamation that the dispatchers received from the City Council on April 2nd and agreed with the Proclamation that emergencies can occur at any time that require police services. She said that when emergencies occur the prompt response from Police Officers is critical. She said that dispatchers are the first contact that people have for the emergency services and the single vital link is the information that the dispatchers provide to the Police Officers. She said that the dispatchers of the Vero Beach Police Department have contributed substantially to the apprehension of criminals. She said that before the dispatchers received the Proclamation on April 2nd, Mayor Fletcher commented to the dispatchers that every time someone from the public calls the dispatch center they can be assured that there is someone on the other end that cares. She said that the dispatchers have handled over 15,000 calls since January. She recalled some instances that have occurred as a

result of some of those calls. She went through some of the duties that the dispatchers do on a daily basis. She said that they are the backup center to the Indian River County Sheriff's office and the Indian River County Sheriff's office backs them up. Closing their Department should not be an option. Ms. Ryan commented that the dispatchers monitor the cameras inside the lobby of City Hall and are available 24/7 at the Police Department. The dispatchers do not take reports over the internet and have an officer respond to every call no matter what the circumstance is. She said that having control over the City's dispatch center dictates what services that they want to provide to the citizens of this community. She was sure that when Council begins their budget hearings that they will ask for Chief Curry's opinion on retaining the dispatch center and she knows that Chief Curry will tell Council what vital functions the dispatchers make to the success of the Vero Beach Police Department and the services that they provide to the citizens of Vero Beach. She closed her remarks with the comments made by Mayor Fletcher when the dispatchers accepted the Proclamation from Council in April of this year.

Mr. Dennis Maloney brought up the Proclamation that was read at the last City Council meeting having to do with Humanist Recognition Week. He read some excerpts from a speech made by President John F. Kennedy on his stand on religion that he was making to some ministers. He then asked for a sincere apology from Mayor Fletcher and Mrs. Carroll, which he does not think has been done. He asked Mayor Fletcher if he has issued an apology.

Mayor Fletcher stated that he has apologized three or four times and his apology was sent to Mr. Larry Reisman at the Press Journal. He said that he is very sorry.

Mr. Maloney asked Mayor Fletcher to add that he would never let this happen again.

Mayor Fletcher told Mr. Maloney that he felt whatever apology that he made would not please him (Mr. Maloney).

After further discussion, Mayor Fletcher stated that he promised that it will never happen again.

Mr. James Richardson commented that when someone is elected to City Council that there is no reason to have to give up their freedom of speech, nor should a City Councilmember not be able to express their love for Jesus Christ. He is sick and tired of people making fun of Christians. He said that maybe the lesson here is that there should be no more Proclamations proclaimed at the City Council meetings. He said that this whole matter has a stench of political correctness. He felt that what was violated was Mayor Fletcher and Mrs. Carroll's freedom of speech. There is no need for them to apologize.

Mrs. Carroll mentioned that they have on tonight's agenda to discuss codifying the rules for issuing Proclamations.

Ms. Connie Bishop stated that she went online and read the Humanist manifesto, which is probably why Mayor Fletcher and Mrs. Carroll reacted the way that they did. She did not believe this City Council meant to insult any person's faith. She said that Mayor Fletcher and Mrs. Carroll were standing up for their values and spoke from the heart (maybe using a bad choice of words). She said that apologies have been given and it is done.

Mr. Scott Stradley, Chairman of Utilities Commission, stated that he is following closely the process of the utility sale to FPL. He noted that recently there has been a time for public comments to be made to the Florida Energy Regulatory Commission (FERC). It came to his attention that Mr. Kramer filed a statement with FERC on May 30th. Mr. Kramer filed this document to FERC as a Councilmember and not as a citizen and he is anxious to provide testimony. Mr. Stradley had a great deal of concern about this because in the negotiation contract between the City and FPL it states that the buyer nor the seller will, without prior written consent of the other advocate or take any action which will reasonably be expected to prevent or impede or interfere with or delay this action contemplated by this agreement. He said that Mr. Kramer has said that he is anxious to do this very thing. Additionally on March 15th before Mr. Kramer made this filing, the City's Transactional Attorneys sent a letter to Council reminding them of this provision. He then read excerpts from the letter (on file in the City Clerk's office). He wanted to know from Council what their plans were to address this and hoped that there was something that they could do to mitigate it. He said that while this was an egregious breach of the contract it is an even more egregious breach of public trust. He said that the residents of the City have voted time and time again on what they want to see happen (sale of the utilities to FPL).

Mr. Winger asked Mr. Coment to comment on what was just said by Mr. Stradley.

Mr. Wayne Coment, City Attorney, stated that he did not see this as a breach of the contract with FPL. He said that he spoke with their Transactional Attorney today and this issue is being discussed with FPL and an appropriate response will be formulated. He read Mr. Kramer's response and even though he has City Councilmember on his document it does not indicate that he was speaking for the City Council or for the City of Vero Beach. He said it would have to be the organization that is in breach, because the contract is with the municipal corporation and not with an individual Councilmember.

Mayor Fletcher mentioned that he was also a part of the conversation today that took place with Mr. Igoe (Transactional Attorney). He felt that they need some clarification from the City as an entity to FERC reaffirming their decision that they are in favor of the sale. He does not want there to be any misunderstanding up in Washington about the fact that the City, as an entity, is going to sell.

Mr. Jim O'Connor, City Manager, stated that the City has filed that motion as part of the interveners group stating that as a fact and the City will be submitting other findings.

Mrs. Turner wanted Council to send a letter under the Mayor's signature clarifying what the City's position is and how the voters feel about this issue.

Mayor Fletcher agreed especially delineating that Mr. Kramer is not representing the City.

Mrs. Turner made a motion that the Mayor prepares a letter and sends it to FERC stating that the City Council and voters of Vero Beach and the customers of the electric utility company desire to move forward with this sale. Mayor Fletcher seconded the motion.

Mrs. Carroll suggested including in the letter the statistics from the vote by mail survey, which was all of their customers and the statistics from the referendum and the vote of the City Council, as well as referencing the fact that Mr. Kramer was Mayor and signed the original Letter of Intent to FPL.

Mr. Winger believed that the City is spending two million dollars a month in additional power costs and the City needs to get on with this. He wanted to see the actual letter and the wording rather than have something drafted that he believes could or could not be fair. He would be in a position tonight of not supporting such a letter without seeing the specific wording.

Mrs. Carroll wanted to know if there was a way in the Sunshine that a draft of the letter could be circulated among the Councilmembers. Mr. Coment explained that because of the Sunshine Law that was not possible.

Mr. O'Connor stated that the letter will be almost identical to the filing that Mr. Igoe has done on behalf of the City.

Mr. Winger would rather see Council have a separate letter signed by the Mayor reaffirming the intervention that they have already taken. He said that he could support that letter.

Mrs. Carroll asked Mr. Winger what he meant by the intervention that the City has already taken.

Mr. Winger referred to the application.

Mr. Coment made it clear that it is FPL's application and the City is intervening as being in support of it.

Mr. Stradley asked if the letter would also include a statement that any filings by Mr. Kramer did not represent the City in his capacity as a City Councilmember.

Mayor Fletcher did not feel that needed to be in the letter. He just wants a reassertion of the City's facts that they intend to sell the utilities to FPL.

Mr. Stradley asked what this letter would do to mitigate Mr. Kramer's anxiousness to impede the contract.

Mayor Fletcher said that would be made very clear when they are heard before FERC.

Mr. Coment explained that is what the interventions are. He said that Mr. Igoe's position is that he should be the person responding for the City. Mr. Igoe probably will be pointing out that Mr. Kramer was not speaking for the Council nor the organization.

The motion passed 3-1 with Mr. Winger voting no.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – June 4, 2013**
- 2. Final Payment for Power Plant Water Box Coating**
- 3. Utility Easement #2013-EG-0125 and Bill of Sale of Utility Facilities – Indian River Medical Center Out-Patient Pavilion Expansion**
- 4. Monthly Capital Projects' Status Reports**

Mrs. Turner made a motion to adopt the consent agenda. Mrs. Carroll seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

- A) An Ordinance of the City of Vero Beach, Florida, Granting to Florida Power & Light Company an Electric Utility Franchise within the City of Vero Beach; Establishing Terms and Conditions Relating Thereto; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Attorney**

Mayor Fletcher read the Ordinance by title only. He opened and closed the public hearing with no one wishing to be heard.

Mrs. Carroll made a motion to approve the Ordinance. Mrs. Turner seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mrs. Turner yes, Mrs. Carroll yes, and Mayor Fletcher yes.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

None

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

- A) A Resolution of the City Council of the City of Vero Beach, Florida, Relating to Reuse Water Rates and Charges; Repealing Resolution 2012-23; Establishing Amended Reuse Water Rates and Charges; Providing an Effective Date. – Requested by the Director of Water and Sewer**

Mayor Fletcher read the Resolution by title only.

Mr. O'Connor reported that the rates outlined in the Resolution will pass savings on to the City's reclaimed water customers. The rates are in line with Indian River County's reclaimed water rates.

Mrs. Turner made a motion to hold the public hearing on this Resolution on July 16, 2013. Mr. Winger seconded the motion and it passed 4-0 with Mr. Winger voting yes, Mrs. Turner yes, Mrs. Carroll yes, and Mayor Fletcher yes.

6. CITY CLERK'S MATTERS

A) City Commission/Boards Reappointments

Mr. Jeffrey Ray's term on the Architectural Review Commission expires on June 20, 2013 and he wishes to be reappointed.

Mayor Fletcher made a motion to reappoint Mr. Ray to the Architectural Review Commission. Mrs. Turner seconded the motion and it passed unanimously.

Mrs. Carroll made a motion to reappoint Mr. Pete Clements and Mr. Mark Pierce to the Board of Building Appeals, Mr. Thomas Juliano to the Marine Commission, Mr. Karl Zimmermann, Mr. Daniel Crisafulli, and Mr. Chris Runge to the Tree and Beautification Commission and Mr. John Michael Matthews to the Veterans Memorial Island Sanctuary Advisory Committee. Mayor Fletcher seconded the motion and it passed unanimously.

7. CITY MANAGER'S MATTERS

A) Indian River Lagoon Brochure

Mr. O'Connor reported that the estimated cost to mail out the Indian River Lagoon brochure in their City utility bills will be around \$3,228.00.

Mrs. Carroll said now that she knows the cost to mail out the brochure she will approach some of the different Clubs in the area to help pay for the mailings. She said that the Sunrise Rotary Club will contribute \$500.00 if Council can find other organizations to contribute as well. This item will be brought back at the July 16th meeting.

Mr. O'Connor reported that County Commissioner Tim Zorc is coordinating a conference call with Mr. Burt Von Hoff of the Florida Department of Economic Opportunity Division of Community Development. He asked if there was a Councilmember who would like to sit in on that conference call.

Mr. Winger said that he would if the conference call is held on June 20th or June 21st and Mrs. Carroll said that she would if the conference call is held on June 24th.

Mr. Winger brought up the June 12th meeting that was with FMPA and other interested parties and referred to an email sent by Mr. Igoe on May 6th that was in reference to an email he sent on May 1st. He has some concerns on what should be budgeted as they move into holding their annual budget hearings. He asked Mr. O'Connor to give an update on the next meeting scheduled to take place.

Mr. O'Connor explained that the meeting that took place on June 12th was primarily to focus on the IRS and trying to make sure that there is no impact on FMPA bond capabilities going forward. He said that OUC had representation at the meeting and the whole discussion centered around OUC and FPL and what came out of the discussion was the Bond Counsel for FMPA who were present and also the Bond Counsel's for OUC and FPL and the City will have a conversation on if a letter from IRS is required and if it is how do they formulate the letter that addresses everyone's concerns. He expressed that the City's concern is very minimal. He said that the possibility of the effect on FMPA is really very secondary in the transaction.

Mr. Winger presented Council with a copy of the Final Term Sheet dated August 16, 2012 from their Transactional Attorney. He said that one of the elements was that FPL for three years was going to take the Vero Beach Power (52 mega watts), which they normally buy from FMPA in consideration of thirty million dollars. Then after that point OUC will continue to take it without consideration. His understanding of what came up at the June 12th meeting was that clause is an issue, and there is some question about whether or not this will work. The question is whether FPL can take ten million dollars additional cost a year and can do it legally in relationship with the IRS, in an acceptable manner to FMPA; and whether OUC knows that they will be taking the number one position in the City's contingent liability.

Mr. O'Connor clarified that only one of the parties has concerns and not all of the parties. He said that FMPA is concerned about how it will affect their taxable abilities. One thing FMPA did say and it was Mr. Fred Bryant, who made the comment that he will go back and talk to the Bond Counsel just so he has a better grasp of what the risk factor is. He said that he has heard Mr. Igoe say it is feasible by June 30th that they would have a path forward. He said feasible means that the City thinks that they have a position to go forward and OUC and FPL also think that they have a position to go forward. All parties except FMPA think that they can move forward.

Mr. Winger brought up another issue, which was the Federal Government. He said that there have been questions about whether FPL can buy power at other than market price.

Mayor Fletcher commented that they all recognize that there are some issues, which is why they are negotiating.

Mr. Winger's next topic was that he did not believe that there was more than a 5% budget shortfall. He said that as far as he is concerned having to make drastic cuts next year makes little sense. He said that there is almost no conceivable way they will be able to close the FPL deal next year and their budget hearings are scheduled for the second week

in July. He has a hard time voting for these big cuts when the City doesn't know when FPL is going to close on the deal. Council won't know what they need or don't need to cut. He asked that Mr. Igoe be at their meeting tonight and he was unable to attend. He said after listening to the police dispatchers tonight he is sympathetic and will have great difficulty making some of these cuts. He said that unless something happens at the proposed June 26th meeting with all of the parties involved (negotiation meeting) there is very little chance that the proposed closing date in 2014 is going to be met.

Mrs. Turner stated that the Council agreed to have the City Manager prepare this budget at the 10.9% cut. She said that the timing of the sale is irrelevant as to how they start looking at this budget. They have heard from the voters, heard from the customers that they want the electric utility sold to FPL. She said lets study our budget to make this City as efficient as possible moving forward. She said even if the sale is not completed by January 2014 the savings can be used to negate future electrical rates increases.

Mr. Winger did not agree with the 10.9% and he wanted to make that clear tonight. He also noted that Mayor Fletcher has pointed out that he would like to think about budget cuts after the second quarter of 2014 and not on October 1, 2013.

Mayor Fletcher expressed that he was not in favor of the 10.9% cut. He is looking at a 6% cut, but does not see any reason that they should be making the cuts now since the sale has not gone through yet.

Mr. O'Connor told Mr. Winger that he was specific on going with the 10% reduction at their last meeting when the budget was discussed and this Council was very specific at 10.9%. Mr. Winger said that he was not. Mr. O'Connor continued by saying that both himself and the Finance Director asked several times if Council was sure that 10.9% was the budget cut that they were looking for. He said that Mayor Fletcher was leaning towards five or six percent. He believes that the comments made at that meeting were to let the City Manager make the 10% cut and then when the budget comes back before Council adjustments can be made where necessary.

Mr. Winger wanted to set the record straight. He said that he believed with Mrs. Turner that it was not useful in any cuts that are made to stretch them out over a three year period of time. However, he was quiet on the 10.9%. He did not believe then that 10.9% was the right number then and still does not believe that it is the right number and he will vote against the 10.9%.

Mr. O'Connor said that staff would proceed down the same path, present the proposed budget to Council and then work from there. He pointed out that there are some major challenges. He said that 10.9% represents \$742,000 in the Police Department alone.

Mrs. Carroll understood that a letter went out to individuals living on Shore Drive in regards to a sewer assessment project.

Mr. O'Connor explained that the City was petitioned from one of the neighbors living on Shore Drive that he would like to have City sewer service and there is a sewer lift station near Trade Winds. Staff explained to him about the sewer assessment process and this person then talked to his neighbors and petitioned the City to send those letters out.

Mrs. Carroll asked if a lift station is already there that the City paid for. Mr. O'Connor explained that the City did not pay for the lift station. It was paid for by the property owner. The City paid a portion of it to upsize the Deep Well. Mrs. Carroll looked at the budget for the cost breakdown (attached to the letter) and the City is asking that the property owners pay a lift station reimbursement of close to \$40,000. She asked was that the cost of the lift station. Mr. O'Connor answered yes. Mrs. Carroll then asked when was the last time that they had individuals connect to a sewer system and if there was any type of a matching program or did the property owner hooking up have to pay the full portion. Mr. O'Connor said that they have always done it through an assessment process. The Utilities Commission is looking at if the impact fee should be waived. He went over the possibility of financing the assessment over 20 years instead of the normal 10 years.

Mr. Winger was in favor of waiving the impact fee.

Mr. Stradley commented that it was important that the City Council have a budget discussion and look at what the essential services in the City are and what the City should pay for. He said that this needs to be debated and the public needs to give their input then they need to look at how to pay for the services. He expressed that just because they have the money does not mean that they have to spend the money. If they can cut the budget by 10.9% or 6% then it should be done. They need to do what they can do to save their taxpayer's money. He does not see the relevance of the date of the closing of the utility as a part of their budget discussions. He said that the budget discussions need to be based on essential City services.

Mr. Stradley mentioned that one of the residents residing on Shore Drive came to the Utilities Commission meeting and updated the Commission on his discussions with the Water and Sewer Director, which have been very congenial discussions on both sides. In the course of this discussion the Commission talked about impact fees and the costs. He said that if these residents hook up to the sewer system then the property owner's lift station will become a City lift station and the resident will be refunded for the lift station.

8. CITY ATTORNEY'S MATTERS

A) Discussion on City Council Invocation and Proclamation Policy & 9B-2 Policy for Proclamations were heard together

Mrs. Carroll noted that she did provide some examples of guidelines for Proclamations. She discussed this with Mr. Coment and he also has come up with some policies that different cities have implemented.

Mr. Coment commented that many cities do adopt formal policies and they are aimed at trying to satisfy everyone and keeping their city out of court. He suggested allowing his

office to formulate a policy on both the invocation and the proclamations and then bring it back to Council for their review.

Mrs. Carroll brought up the information that she received from back in 2000 when the discussion of proclamations had come up. In looking at the documents that Mr. Coment provided for Council there seems to be a substantial amount of rules that were used over and over for the invocations. She said that there were a number of references to Supreme Court rulings on that issue.

Mr. Coment explained that the way that invocations are done according to these rules is a blessing from the Council and not an establishment for religion. The proclamations are the same way. He said that what a proclamation is for is to basically recognize a person or an event, etc.

Mrs. Turner brought up if Council needed to have more discussion on proclamations. She knows that in many cases it was just the Mayor's proclamation as opposed to having the whole Council sign the proclamation.

Mayor Fletcher felt that the whole Council needed to continue signing the proclamations.

Mayor Fletcher read the material provided to him by both Mr. Coment and Mrs. Carroll and said that it sounded clear to him that the prayer before a meeting was upheld by the Supreme Court a number of times. He would like to see them codify their proclamation policy and that they need to include in the policy that there will be no proclamations given for religious organizations. He made a motion that the City Attorney and the City Manager put together a policy to be codified for proclamations.

Mr. Winger asked that they have a vote on this. He was not in favor of changing the way they are handling proclamations now and feels that if they do it will open a can of worms.

Mayor Fletcher restated his motion, which was to instruct the City Attorney to codify the policy for proclamations. Mrs. Carroll seconded the motion and it passed 3-1 with Mr. Winger voting no.

Mr. Coment explained that he will bring a draft Resolution back to Council at their next meeting for their review.

Mrs. Carroll asked if Council wanted to have a policy concerning invocations.

Mayor Fletcher felt that it was clear in the Supreme Courts concerning invocations.

Mr. Coment recommended that Council adopt a policy. He pointed out that the policy that Lakeland uses for invocations was pretty much upheld by the Eleventh Circuit Federal Court in Atlanta when it was heard on appeal.

Mr. Winger made a motion that they act upon what the City Attorney just said (create an invocation policy using Lakeland's policy as a model). Mayor Fletcher seconded the motion and it passed unanimously.

B) Add on Item – Noble v City of Vero Beach

Mr. Coment reported that this lawsuit arises out of a shooting incident that occurred on July 5, 2011 involving a City Police Officer. In addition to the City, the Police Officer involved and the Chief of Police have been sued in the same case. Due to the allegations contained in the complaint there is a potential conflict of interest that may arise between the City and the Police Chief as defendants and the Police Officer as a defendant. The City has retained Robert E. Bonner, Esq., an attorney specializing in police liability cases, to evaluate the original claim and the City's exposure. In the interest of coordinating defense and minimizing defense costs, the City asked Mr. Bonner to represent all three defendants in the case. However, because of the rules regulating the Florida Bar regarding potential conflicts of interest, each client must waive any perceived conflict in order for Mr. Bonner to undertake such multiple representations. Should the interests of the City, Police Chief, and the Officer diverge during the course of the case, the Police Officer would most likely have to retain separate legal counsel. Mr. Coment recommended to Council that as the governing and representative body of the City, to authorize a waiver of any currently perceived conflict of interest between the City and the other defendants and authorize him or the City Manager to execute and convey such a waiver to Mr. Bonner on behalf of the City.

Mr. Winger made a motion to move forward as explained by Mr. Coment. Mrs. Carroll seconded the motion and it passed unanimously.

9. CITY COUNCIL MATTERS

A. Old Business

B. New Business

- 1. Direct the Marine Commission to work on procedures/rules to minimize the dumping of brown water from boats visiting the Vero Beach yacht basin. – Requested by Councilmember Richard Winger**

Mr. Winger explained that he put this item on the agenda because with Council approval he would like to direct the Marine Commission to work on procedures/rules to minimize the dumping of brown water from boats visiting the Vero Beach yacht basin.

Mr. Tim Grabenbauer, Marina Director, gave some background on what they do at the Marina now. He said that the Marina does offer this service and it is for free.

Mrs. Carroll wondered if fines were issued for illegal pumping. She was told that the City does not issue fines. It is something that is handled by the Coast Guard.

The Clerk was instructed to put this item on the next Marine Commission meeting agenda.

2. Policy for Proclamations – Requested by Vice Mayor Tracy Carroll

This item was heard in combination with item 8-A) on the agenda.

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Craig Fletcher's Matters

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

Mayor Fletcher reported that he attended a School Board Elected Officials meeting and the members were told that the future growth for children attending schools in Indian River County is zero.

B. Vice Mayor Tracy Carroll's Matters

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

Mrs. Carroll reported on the Beach and Shores Commission meeting that she attended in Mr. Winger's absence.

Mrs. Carroll mentioned that there has been some concern from the community on the proposed future changes being looked at for Royal Palm Pointe because of budget cuts. She asked Mr. O'Connor for the cost to run the fountain and was told it was between \$45,000-\$50,000 a year, which does not include the insurance. Mrs. Carroll put a plead out to individuals who might want to come forward to help pay for those costs.

C. Councilmember Pilar Turner's Matters

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

Mrs. Turner attended the Delegation luncheon that the Chamber of Commerce organized and the charity luau to benefit the Youth Guidance Center. She reminded everyone about the July 4th event happening at Riverside Park and that on July 17th the Council is invited to attend the Treasure Coast League of Cities lunch meeting that will be held in Fellsmere at Marsh Landing and then a tour will be given at the elephant sanctuary.

D. Councilmember Jay Kramer's Matters

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

E. Councilmember Dick Winger's Matters

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

Mr. Winger reported that he attended the Press Journal Lagoon Symposium.

11. ADJOURNMENT

Tonight's meeting adjourned at 8:17 p.m.

/tv