

**CITY OF VERO BEACH, FLORIDA
MAY 15, 2012 6:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

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

B. Invocation

Father Richard Murphy of Holy Cross Catholic Church gave the invocation.

C. Pledge of Allegiance

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

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mrs. Carroll requested under City Attorney's Matters that discussion of the memo that they received regarding work in the City Attorney's office be discussed. She also asked under New Business that decorum at their meetings be discussed and that item 2D-3) be moved up and heard before item 2D-1).

Mayor Turner had no problems adding the items to the agenda, but she did not want to change the order of the items listed under Public Comment. She said that those people are placed on the agenda in the order that the City Clerk receives their request.

Mayor Turner made a motion to adopt the agenda as amended (adding items to City Attorney's Matters and New Business). Mr. Kramer seconded the motion and it passed unanimously.

B. Proclamations

- 1. National Police Officers Week – May 13-19, 2012**
- 2. National Safe Boating Week – May 19-25, 2012**
- 3. Public Works Week – May 20-26, 2012**
- 4. Memorial Day – May 28, 2012**

Mayor Turner read and presented all of the Proclamations.

C. Public Comment

1. Coastal Florida PBA to speak

Sergeant Phil Huddy stated that there were two concerns raised by the City Council in reference to their petition. The first was that they did not have in their petition any language pertaining to residents and business owners willing to have their taxes raised in order to prevent the proposed rank reductions. This Council, along with the City Manager, made it clear that they are willing to raise taxes. He noted that this was their member's petition, not the City Council or the City Managers and they have the right to word their petition any way that they see fit. He said that if the City Council feels that they need to raise taxes in order to provide a level of service this community expects, that is their decision. He asked that they do not use their organization as a scapegoat for a tax increase or to scare residents into not signing their petition for fear of a future tax increase. He said regarding the second concern raised, in his 43 years he has made plenty of mistakes, but in his 12 years of service to this community his honesty, integrity, and credibility, have never been called into question. That was until the May 1, 2012 City Council meeting. That was when Mrs. Carroll not only questioned his credibility and integrity, but also of each member of the Vero Beach Police Department.

Mayor Turner asked Sergeant Huddy to direct his comments to the whole Council. She explained that this was not a forum for him to attack individual Councilmembers and asked that he keep his comments to the City Council as a whole.

Sergeant Huddy requested that everyone in attendance for tonight's meeting to review the May 1, 2012, March 6, 2012, and the April 17, 2012 City Council meetings if they need more clarification on his comments. He said that the comments made by Council in reference to the petition also questioned the credibility and integrity of residents in the City of Vero Beach. He said that they collected signatures of about 1,400 residents and business owners. He asked why doesn't the City Council hire a handwriting analyst to examine the signatures on this petition since they can afford to hire outside attorneys for the utility transaction that is becoming clear cannot be consummated and hire an employee recruiting firm when the City has their own Human Resources Department. He said that there was a petition opposing the lease of land for the purpose of a boathouse that was presented to the City Council and since that meeting, not one Councilmember questioned the validity of those signatures. He said that at the May 1, 2012 City Council meeting, Council wanted the City Manager to look into limiting the amount of time an individual has under Public Comment. He said that a certain Councilmember advised the City Manager that there were individuals in the community giving twenty to thirty minute presentations. He felt that it was odd that this issue was brought up. He said that Council had no objections when Dr. Stephen Faherty and Mr. Glenn Heran spoke at length about selling the electric utility and regionalization of the water and sewer system. That same Council had no objection to lengthy presentations regarding using public land space for the purpose of building a boathouse. It was clear to him that if they take a certain position

that runs directly in opposition to certain Councilmembers, they attempt to undermine their position, discredit them, and now are attempting to limit public input on the matter. He said that recently Vero Beach News Weakly posted the base salary of Police Officers. Council has made public record requests for the gross salary of all officers with the rank of Corporal and above. He asked is his life not worth it and hasn't he earned his salary for his service to this community. If the career that he chose was that lucrative there would be a line of people outside waiting to take his job, but there isn't. In reality it is the opposite. They cannot keep Officers. The proof is the four Police Officers that have resigned in the past month and a half. He said that it was his opinion that some members of the City Council want to destroy the morale of employees to a point where their level of service declines and gives them the opportunity or excuse to retain County services as opposed to maintaining the City services they currently have. His message to all employees of the City, and this is a message that he tells the men who work under him at the start of every day, no matter what outside forces work against them they have the responsibility for providing the best level of service to the citizens of the City of Vero Beach that they can with the limited resources that they are given. They cannot be derelict in their duties and never give anyone the opportunity to question their work product that it remain strong in their convictions and not to be afraid to stand up for their rights as an employee of the City of Vero Beach. His message to the residents of the City of Vero Beach is that if he becomes complacent or ignorant to what is going on around him as a Law Enforcement Officer he could lose his life. As residents, if they become complacent or ignorant to what is going on in these Chambers they will lose their City.

Ms. Pamela Stern, General Counsel for the Coastal Police Benevolent Association (PBA), said a comment was made about her, referring to her by name, at the April 17, 2012, City Council meeting. The comment made was that she was called to discuss an issue and that she did not return the call. She noted that this person was a Councilmember. She said that she was not present at the Council meeting when this was brought up and therefore was not able to defend herself. After this comment was made she received telephone calls from people who were concerned about this statement. She took this very seriously and felt it was proper to respond to this comment. She stated that she did respond to that telephone call within 42 minutes. She provided Council with a copy of an email given to her by her Administrative Assistant, which stated that she received that telephone call, as well as a record of her office telephone records showing that she did return the telephone call (on file in the City Clerk's office). She said that this affects her reputation in that she is not doing her job. She said that she works as hard as possible for her membership and if she loses her reputation they will not trust her.

Ms. Stern said another issue is the allegations that were made at the May 1, 2012 City Council meeting regarding Law Enforcement Officers forging signatures. These statements were made in a public forum without anyone present to defend themselves. She said that the word "forgery" is a legal term. The petition is not a legal document. It does not have legal consequences. It is merely a way to present to the City Council citizen's opinions. She had concern that some of the statements may arise to some to be considered slanderous and as many have expressed to her, very offensive. She has received several telephone calls from people saying how offended they were by those

comments. She said to question the credibility of their Law Enforcement Officers could have dire consequences while they are working on the street. She urged the City Council to be more cautious about their statements especially when no one is there to defend themselves. She demanded on behalf of the PBA a retraction of those statements and a public apology.

Mr. Al Boettjer, PBA Staff Representative, said that he represents Police Officers in several counties and has had the privilege of dealing with the Police Officers of the City of Vero Beach. He said that they are not beyond having their feelings hurt or feeling like they are being challenged on a regular basis by the City. He said that it was their intention in doing the petition to show the Council that the citizens support the Police Officers in not being demoted. That was their intent and the petition is still growing. He said that their organization represents 42 municipal law enforcement and sheriff departments. When they have a Department like this, where each officer who not only lives here, but works here looking to better the community and to be a partner with the citizens, to challenge them (Police Officers) in the way they are is abominable. They are hurt, they feel it, and they shouldn't have to. There are other ways to deal with this small amount of funding. He found it difficult to understand how 600 signatures on the boathouse petition gets Council's attention and 1,400 signatures supporting no demotions is ignored. He said that in their homework, they found that there is one member of the Council who has several foreclosure issues totaling millions of dollars. He said what they are discussing here is about \$100,000, not millions of dollars. He did not think it was fair that they were criticizing the public, as well as the officers. He asked Council to reconsider. They want to be a partner with the City in resolving their issues and they cannot do that without Council's help.

Mayor Turner explained that this was a proposal brought forward to the City Council. Nothing has been decided and it will be reviewed during the budget process. She said that no action will be taken at this time.

2. Mr. Peter Gorry, Chairman of the Finance Commission, to review the Annual and Quarterly Financial Reports.

Mr. Peter Gorry, Chairman of the Finance Commission, said that the Finance Commission is required to give quarterly updates on the variance analysis, progress of the budget, and to make recommendations based on the Commission's review. He then went over the mid-year report with the Council (please see attached). He noted that additional information is available in the CAFR. He said that the Commission emphasized the need for the Administration to focus on effective fundamental operational efficiencies that have a future financial impact.

Mrs. Carroll referred to the CAFR and said that during last year's budget hearings, overtime was discussed and Council was told by the former Police Chief that modifications were being made in order to cut down on their overtime.

Mr. James O'Connor, City Manager, noted that in this six-month period there was a considerable amount of holidays and during the holidays there are three shifts of Police Officers receiving overtime. He said that they hope to bring the number down and to get it more in line.

Mr. Gorry went over the Commission's recommendations and implementations (please see attached).

Mr. Gorry briefly went over the background on professional services noting that the Commission treated the Transactional Attorney (TA) separately (memo available in the City Clerk's office). He then went over the memorandum addressed to the City Council dated May 8, 2012, regarding TA funding (memo on file in the City Clerk's office).

Mayor Turner asked has the Finance Commission received all the benchmarking information.

Mr. O'Connor answered yes. He noted that they may not have received the most recent benchmarking information that Council just received.

Mayor Turner asked would the Finance Commission receive the budget books at the same time as City Council and would they have the opportunity to review the information prior to budget hearings or would they just be making comments during the budget hearings.

Mr. O'Connor said that they would distribute the budget books to the Finance Commission at the same time they are distributed to Council. He said that staff asked the Commission members to get down in the details of the budget.

Mrs. Carroll asked Mr. Gorry if the Commission reviewed the CAFR.

Mr. Gorry reported that they just received the CAFR on Friday and would be discussing it at their next meeting. He said that each individual member is currently reviewing the information. He said that there are some interesting issues, particularly on the pension and hospitalization benefits, as well as the ratio of retirees to active employees.

Mrs. Carroll asked Mr. Gorry if he would be assigning various members to delve into some of the issues.

Mr. Gorry answered yes.

Mrs. Carroll said it would be very helpful to have the Commission's recommendations going into the budget hearings.

Mayor Turner thanked Mr. Gorry and the Finance Commission members for their recommendations.

3. Mr. Dean Heran to discuss a “Conservation Easement” held in perpetuity to protect the native forest at the north end of Beachland Elementary School for the community, students, and future generations to come.

Mrs. Laura Guttridge, 535 Date Palm Road, gave an update concerning the woods near Beachland Elementary and the things going on in the neighborhood. She said that there is a new grassroots organization forming on the barrier island. They are a very vocal, passionate, and a determined group of individuals. She said save Beachland woods was created by this organization after learning about the proposed construction through rear coastal hammock located behind Beachland Elementary School. These woodlands are home to various species of wildlife. The woodlands are the last safe haven for the wildlife on the barrier island. Sadly, this rare coastal hammock is under threat. She said that in March 2012 the School Board of Indian River County announced a proposal that would cut through these woodlands in order to add roadways to ease traffic concerns when the school lets out. After public outcry the School Board backed away from their proposal and came up with an alternative to reroute the traffic flow through the residential street of Date Palm Road. She said although they are thankful that the woodlands were granted a reprieve, they now have the new concern that the School Board plans to redirect traffic through a residential street. The underlying problem is that Beachland Elementary School, which is a neighborhood school, is overburdened with too many students that do not live in the neighborhood. She expressed that Beachland Elementary School is a beautiful neighborhood school that will be ruined if the School Board continues to burden it with an overflow of students. Their goal is for the School Board to partner with the Indian River County Land Trust and create a conservation easement that would protect the woodlands permanently by preserving the 9.8 acre woodlands and it would offer the school a very unique opportunity for its students to learn about nature in an untainted setting. Also, green space is crucial to the Indian River Lagoon because it helps stormwater runoff from entering the already fragile Lagoon.

Mrs. Carroll asked what it would take from the City in order to move this process along.

Mrs. Guttridge explained that the Indian River County Land Trust is not an advocacy group, so they cannot reach out for their services. She said that the School Board would need to contact them and find out the details of what it will take to make this easement possible.

Mrs. Carroll asked if the School Board is willing to follow this plan.

Mrs. Guttridge said that it doesn't seem like they are very willing. The School Board is offering this alternative traffic route in order for it to fail and then they will come back and say that we have to cut through the woodlands. The School Board is aware that they want a conservation easement and they keep putting things off waiting for things to fail and not making a move to contact the Indian River County Land Trust. The School Board has said that they want to wait to see how the new traffic plan works out.

Mrs. Carroll asked Mr. O'Connor from a City standpoint, as this property is within the City limits, what responsibility the City has for approval of utilization of this property. Mr. O'Connor explained that the only control the City has would be the site plan review. He said a Resolution dating back to 1960 gave up all their rights of control of the property.

Mrs. Guttridge commented that she hired a firm to look into the deed (written in 1955) and they seem to think that there is something in there that could give that property over to the City. The deed states that if the property is not kept up then it could revert back to the City. She did not think that this property has been kept up at all and it could be argued that the property could go back to the City. Mr. O'Connor gave her a copy of the Resolution that is dated 1960.

Mrs. Carroll felt that the City Council could pass a Resolution encouraging the School Board to sit down with the neighborhood to see if they could meet in the middle or come to some common ground. She wished to do that at their next Council meeting.

Mr. Charlie Wilson referred to item 3-B) on the agenda and said that the CRA is a disaster in Ft. Pierce and it threatens to bankrupt the City (Ft. Pierce). He applauded Mr. Kramer in his efforts to help the City, but recommended if they are going to pass this Resolution that they include a date that it will sunset. He recalled that in Ft. Pierce the CRA took in so much money that the rest of the City didn't have any money to do needed things. The City of Ft. Pierce is in debt for \$30 million dollars and their first payment comes up this year and they cannot pay it. He said that this is fraught with disaster. Mr. Wilson continued by saying that he admires the Police Department, but what concerns him is the Union Organizations. He told Council that he knows what it is like to be intimidated and to not let the Union do that to them.

Mrs. Linda Hillman came to tonight's meeting because the Police Department is very dear to her. She recalled at a prior City Council meeting that they voted on the Letter of Intent (LOI) for Florida Power and Light and none of Council argued the fact that it was done without the public knowing about it (was not advertised in the agenda). She now realizes that in order to pay for the hired Transactional Attorneys that their utility bills will be higher. They could save money by not having to pay for these Transactional Attorneys. She recalled that she stood in front of the Post Office getting people to sign the petitions for the Police Officers and what she witnessed was only one person signing the petition. She notified by letter interested parties about the forgery allegation. She did not think it was forgery if someone prints the name of their spouse on a petition. She closed by saying that this Police Department deserves their money and the respect of the City Council.

Mrs. Kelly Sartain, 2861 21st Place, stated that she represents a large non-profit organization in town called the Buggy Bunch. She said they are the largest 501C-3 moms non-profit in the State of Florida. They were at tonight's meeting to speak with Council about a grant that they applied for. They would like to provide sun shades over playground equipment in City Parks. They applied for this grant through State Farm and

it is a \$25,000 grant. They are also asking local doctors to help them match the \$25,000. She said that out of 3,000 applicants they are in the top 30.

Mrs. Kathy Modesitt, State Farm Insurance Agent, explained that it is not her agency that is offering the grant, it is State Farm the mother company. She said that they do have a very good shot at winning this grant. She explained that the way that they win is strictly by facebook votes. They were here tonight to petition the Councilmembers and anyone listening to go on facebook and vote. She said that the last date to vote is May 17th and each person can vote ten (10) times a day. The address to vote is Shade: <http://www.facebook.com/statefarm/app376288832400015?appdata=Good-Neighbor-Good-Shade>.

Mr. John Kerry, 1716 43rd Avenue, moved to Vero Beach in July 2008 and he thinks that Vero Beach is the best City in the State of Florida. He doesn't think that anyone envies Council to have to balance this budget and pull it together. He stands in support of Law Enforcement Officers and Fire Fighters. It is a comfort to know if he dials 911 that they are there to answer his calls. He felt that it was demoralizing to demote their Police Officers.

Mrs. Phyllis Frey, 275 Date Palm Road, thanked Mr. Fletcher for attending the Arbor Day tree planting presentation and talking to the children about planting trees. She hoped to see a lot of new trees planted in the City as a result of Mr. Fletcher's efforts. She went back to March 6th when the citizens of the community filled these Council Chambers to save the green space. At that meeting Council voted against allowing the boathouse. She feels that this was only a temporary measure and the only thing to guarantee protection is to change the language of the document that controls its use. She proposes that Council in the best interest of the community adopt a specific comprehensive plan with a text amendment that would prohibit the construction of any buildings on the green space adjacent to Bob Summers ballfield, guaranteeing that this land will only be used as a recreational area.

Mr. Eric Olsen hoped that he would not have to come before Council again, but what he saw happening from the video of the last Council meeting on May 1st made him feel that if this was one of their only means of rebuttal then so be it. He is surprised by the action and words of some of the members of this Council. They were elected to represent every citizen of this City and not just those that they agree with. In all of his 49 years he has not witnessed what has taken place recently. He is astounded by some of this Council to limit or deny access to a public Park by a peaceful group of citizens who want a place where they can take the canine members of their families to exercise. The verbiage he has heard when they refer to the use of Bob Summers Park is that the use of the Park can either be for dogs or people, but somehow not both. He said that simply is not true. He said that the dogs who exercise in the Park are not getting there on their own. He was not able to attend the last City Council meeting, but what he saw and heard made him very disappointed. Misquotes of posted rules on signage by a member of Council, painting them as rule breakers, stating that dog owners using the Park are required to have a leash in their hand at all times in order to be responsible for their dogs actions. He said no

where on the sign does it state that. A comment by a member of Council referring to the 5:30 a.m. to 8:30 a.m. rule saying that basically what they have is a group of people who disrespect the law and then think if they do this long enough they can have the law changed. He does not like to be referred to as a law breaker, especially when the hours posted that they were referring to were a rule and not an actual Ordinance adopted by City Council. At the last Council meeting a video was introduced showing an isolated incident of dogs running through the parking lot around the boat ramps. He uses the Park everyday and yes there are isolated incidents. He went over some other isolated incidents that he has witnessed at the Park. He felt that the use of Bob Summers Park by dog owners is a necessity. Bob Summers Park is the only Park to legally walk dogs without a leash in Vero Beach. There are over 15,000 registered dogs in Indian River County and this number needs to be taken into account when discussing this issue. He said that the continued use by dogs has been held up as somewhat not compatible with other uses of the Park. It has also been said that if the dogs continue to use this space that it will hinder the City's ability to use the field as a transfer site for storage of debris after a hurricane. He said this is incorrect that the uses are compatible. It was the dog owners who pointed out that there were rats living in the debris piles because the dogs were able to feel the presence of the rats living there. As for the prospect of the Marina expansion, he said that the last proposal was four years ago and in this current economy he doesn't think that they will see developers rushing forward. He suggested developing the current Marina into the best that it can be as it now stands. There currently are complaints from people using the Marina about substandard property maintenance, the lack of internet services and the need for upgrading the system already in place. He met some people through a cruising group that he belongs to and some will not come back to Vero Beach because of the lagging services and conditions of the Marina. There has been talk about reducing the size of the off leash area, which in essence is taking away what has already been given. He wanted the City Attorney to comment on the precedent that has been set by allowing the use of a Park for an off leash dog exercise area as set forth by a previous City Council. He wondered if this precedent did not have some weight when it comes to discussing this issue. The issue of liability has also come up. If this is a concern then the City should design the boundaries of the off leash area. Clear definition of rules is necessary. He doesn't have a problem paying a fee to use the Park. He is troubled that the City Council has taken up this issue when so many of their residents are gone for the summer. He suggested tabling the matter until more public is able to participate.

At this time, Council took a ten-minute break and the meeting reconvened at 8:00 p.m.

Mr. Eric Brown was invited to tonight's meeting by a couple of Vero Beach Policemen. He said that as a former drug dealer he might not be politically correct, but Council should not be jeopardizing their Police Officers.

Mr. Victor Dixon, 1746 42nd Avenue, was here on behalf of the Police Department because he believes in them. When the petition came out he was not available to sign it, but he gave his wife permission to sign it for him.

Mr. Richard Heller came to tonight's meeting to support the Police Department. He noted that this is the first Council meeting that he has attended. In his employment, he runs into Police Officers who must work on Sundays and evenings in which they are paid overtime in order to make ends meet.

Mr. Mike Broski was at tonight's meeting in support of the Police Department. He wants to keep the level of professionalism in this Department that they have now.

Mr. Greg Kiner (spelling may not be correct), 1925 16th Avenue, has lived in Vero Beach for 15 years, and feels that Council can find this amount of money they are talking about somewhere else other than demoting Police Officers.

Mr. Russell Carson, 555 19th Place, was here to compliment Council. At 2:00 a.m. this morning someone was banging on his door and he answered the door and it was someone who wanted him to call the Club car so that she could get a ride. She had been dropped off by someone who had been abusing her. He told her that they needed to call the Police Department. His wife called the non-emergency number and they sent a car out. They were there in two (2) minutes. A year before last his son's home was burglarized, however the burglars were not caught. He congratulated Council for all they do and congratulated Police Chief, Dave Curry, on his promotion. He suggested instead of reducing the pay that they do away with the Corporal rank and the job description, that the pay status remains the same, but the officer's are now sergeants, etc.

Mr. Joseph Guffanti, 441 Holly Road, had some problems with the Chairman of the Finance Commission giving a report under Public Comment. He said that he really is not a member of the public. His presentation should have been put on the agenda under some other topic. Mr. Guffanti noted that he signed the petition that the Police Officers have been referring to. He also printed his wife's name on the document, which she approved. He realizes that this is not a legal document. He resents the fact that he is being called out on this. It was not forgery because he printed his wife's name. He said the whole issue here is being "top heavy" in the Police Department. This should have been stopped before the last two Police Chief's elevated these people to many top positions. He points the finger at the public because they did not come forward and stand up when they should have. He thinks that Council should put an end to this.

Mr. Peter Jones rebutted Mr. Wilson's comments about the CRA in Ft. Pierce and said that has nothing to do with what is on the agenda tonight. They have an opportunity to establish a mechanism and he would like to see the Ordinance passed.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – May 1, 2012**
- 2. Monthly Capital Projects' Status Reports**
- 3. Live Oak Road Paving and Drainage Improvements – Recommendation of Project Acceptance and Final Payment – COVB Public Works Project No. 2005-09**

4. **Unit #5 Gas Turbine Major Overhaul**
5. **Grant of Non-Exclusive Utility and Access Easement 92011-EG-0101)
– Indian River Plaza, LLC**

Mr. Winger did not want to pull item 2D-3) off of the consent agenda, but noted that there were three places in the document that had inaccurate dates.

Mayor Turner felt the same way about item 2D-2) the Monthly Capital Projects Status Reports. She said that the format needs to be looked at, but she would not pull it off of the consent agenda.

Mrs. Carroll made a motion to adopt the consent agenda as presented. Mr. Kramer seconded the motion and it passed unanimously.

3. PUBLIC HEARINGS

- A) **An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach to create a New Section 54-54, Powered Model Aircraft, in Chapter 54, Parks and Recreation, Relating to the Operation of Powered Model Aircraft in City Parks, Beaches, and Recreation areas; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Ordinance by title only.

Mr. Wayne Coment, City Attorney, recalled that at the last City Council meeting he was requested to modify the Ordinance in one of the sections by removing self propelled cars or boats and that the City Manager would be responsible for issuing permits for someone wishing to fly their planes in the Park.

Mayor Turner opened and closed the public hearing at 8:37 p.m., with no one wishing to be heard.

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

- B) **An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach to create a New Chapter 29 relating to Economic Development; authorizing designation of Economic Development Zones and Trust Funds; Providing for Funding based on Tax Increment Values; Providing for Conflict and Severability; Providing for Inclusion in the Code; and Providing for an Effective Date. – Requested by Councilmember Jay Kramer**

The City Clerk read the Ordinance by title only.

Mayor Turner opened the public hearing at 8:38 p.m.

Ms. Kathleen Prouty, Executive Director of MainStreet Vero Beach, spoke in support of the Ordinance.

Ms. Janie Hoover, President of MainStreet Vero Beach, also spoke in support of the Ordinance. She hopes in the future to have a business improvement district in Downtown Vero Beach. She went over some of the projects that they support that go on Downtown. She said that the property owners should be enthused about funding mechanisms like this. She made it clear that this is not a tax increase. It is a way to finance projects through a tax that is already collected. This Ordinance is a beginning of having a business improvement district in Vero Beach and their hope is to have one in Downtown Vero Beach.

Mrs. Carroll congratulated the MainStreet organization. She said that there have been over 40 new businesses come into the area since 1998.

Mrs. Barbara Hoffman, Chairman of the Cultural Council, noted that she spoke on behalf of this Ordinance two weeks ago and said that the proposed Ordinance would help with their local economics. The Cultural Council fully supports this Ordinance and agrees that the Downtown area is a good place to focus initially. This Ordinance provides future funding for areas that need it. They understand that the Ordinance is broad in nature, but when there is a buy in from commercial property owners it can be incorporated. She introduced the members representing their membership and board who were also at tonight's meeting.

Mr. Barry Shapiro, a newcomer to Vero Beach who has owned his business just over two years, stated that it was important to the City and to the people who live in the region to be fully behind the Ordinance and he wished that Council would support it.

Mayor Turner closed the public hearing at 8:46 p.m., with no one else wishing to be heard.

Mr. Fletcher wanted Council to consider a sunset clause of 20 years to review this. If it is working well then they can leave the Ordinance in place.

Mayor Turner applauded Mr. Kramer for coming up with this. However, she felt that the Ordinance is vague and does not accomplish anything of itself. She believes the support of this Ordinance comes from Downtown. She proposed that they table the Ordinance and specify the Downtown area and that some financial data be provided before they approve it. She made this in form of a motion.

Mr. Kramer explained that the Ordinance is suppose to be vague to allow other districts to form. He said that there is a four step process and the next step would be to draw up a plan.

Mayor Turner then questioned why an Ordinance was needed at all.

Mr. Coment said that they could limit this to one area (Downtown).

Mayor Turner restated her motion, which was to table this Ordinance and bring it back specifically for the Downtown district. Mr. Fletcher seconded the motion.

Mr. Kramer felt that the longer they wait on this they are losing time. He said if the tax rolls increase they could run the risk of losing another year of incremental financing that could benefit these groups. He said there will still be more public hearings that will have to be heard before anything is put in action.

Mr. Coment agreed with Mr. Kramer that it will require a public hearing on the Resolution forming the Economic Development Zone.

Mayor Turner did not see property taxes going up with everything that they have heard from the Property Appraiser. She did not think that they were projecting taxes in Florida going up for another year or at least two years.

Mr. Kramer commented that he has been working with a lot of these property owners and it is astounding the amount of energy that is in the MainStreet area. He said that the business and property owners are investing a lot of time and energy in turning this area around and he cannot imagine that the area is going down in value.

Mrs. Carroll added that at the recent Florida League of Cities meeting that she attended the information coming from the State is that they have reached the bottom and that the tax rolls will continue to go up at this point. She feels it is important that they leave this open ended in that the Vision Plan does state that there would be five commercial areas within their City to look at creating a character for their community (Ocean Drive, Miracle Mile, Beachland Boulevard, Downtown, and Royal Palm Pointe). She is firmly behind economic development in not only the Downtown area, but throughout the City.

The Clerk polled the Council on the motion and it failed 3-2 with Mr. Winger voting no, Mr. Kramer no, Mrs. Carroll no, Mr. Fletcher yes, and Mayor Turner yes.

Mr. Kramer made a motion to approve the Ordinance. Mrs. Carroll seconded the motion.

Mr. Winger amended the motion to include the language with the sunset clause in it as proposed by Mr. Fletcher.

Mr. Kramer amended his motion to include that language and the amendment was seconded by Mr. Winger.

Mr. Coment explained that with having the sunset clause in the Ordinance it would “die” unless it is reactivated after 20 years. He said that the Ordinance could always be amended or repealed at any time.

The motion passed 4-1 with Mr. Winger voting yes, Mr. Kramer yes, Mrs. Carroll yes, Mr. Fletcher yes, and Mayor Turner no.

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

- A) A Resolution of the City Council of the City of Vero Beach, Florida, Establishing for Abatement of an Unsafe Building and Conditions, a Special Assessment Lien in the amount of \$9,415.32 against the real property identified as Lot 3, Block 16, Bethel-by-the-Sea, Unit No. 4 and with the address of 318 Conn Way in the City of Vero Beach, Indian River County, Florida. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. Coment asked anyone involved who would like to speak on this Resolution to come forward. It was noted that there was no one from the audience wishing to speak on the Resolution.

Mr. Coment commented that he talked to a bank representative yesterday who advised him that they will pay the assessment lien. He told the person that there would be no interest accumulated on the amount of the lien.

Mrs. Carroll asked if the bank will take over the maintenance of the property.

Mr. Coment explained that the bank now understands that they own the property. He said that code enforcement procedures would start if the property is not maintained.

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

- B) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing On-Leash and Off-Leash Dog Exercise and Walking Activities on certain City-owned land adjacent to Bob Summers Ballpark; Providing for Regulations and Enforcement; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Resolution by title only.

Mr. O'Connor reminded Council that there was a lot of discussion on this matter at their last meeting and the issue has been do we designate this area as Bob Summers Park, which Council chose not to do and then the other issue was to designate an area on City property that would allow for dogs to exercise unleashed.

Mayor Turner asked Mr. Coment with this Resolution are those things enforceable.

Mr. Coment answered yes. Mayor Turner mentioned the signs hanging up that have not been followed. Mr. Coment explained that happened in 2002 when the Council at that time gave permission for dogs to be in that area. This will be more formalized and in Resolution form. They have come up with some rules to go along with it and if the rules are broken, code enforcement action can be enforced. In this case the City Council is allowing dogs to be unleashed on this City property.

Mayor Turner asked if they took any measures to demarcate this area.

Mr. Coment explained they tried to delineate the area bordered with the fence on one side and then the high water mark on the other and then what they are calling "biscuit" signs will be arranged to denote the north and the south area.

Mr. O'Connor added that there will also be signage there.

Mr. Winger stated that he understands the reason for the emergency debris storage area, but the reality is the dogs are actually roaming in that area. He feels that it would be impractical not to allow the dogs to roam on all of it when there is not an emergency going on.

Mr. O'Connor explained that when the City actually owns and regulates the property it is different than a regulation controlling what you are doing on your own property. This Resolution gives them the flexibility that if the signs need to be moved that they can be.

Mr. Winger felt that it was too broad. He was fine with it if there was an emergency. He said that people are going to let their dogs roam so why not allow it except in emergency conditions.

Mr. Kramer wondered in Section 2 - 4 where it states that the dog is at large, if that that the dog catcher can pick up the dog.

Mr. Coment said not if they are in the area that has been designated for dogs.

Mr. Fletcher explained that this Resolution is a tool for Police Officers if a dog is off his leash.

Mrs. Carroll asked if their Police Department picks up dogs.

Mr. O'Connor answered yes. He said that they have an Animal Control Officer who is under the Police Department.

Mrs. Carroll asked what are the regulations for dogs within the City to have shots or be licensed.

Mr. Coment explained that comes under the Indian River County Animal Control Ordinance, which is in effect in the City. He said City Police Officers are empowered to enforce that Ordinance.

Mrs. Carroll continued by saying that Ordinance specifically states all dogs living within the County are required to have their shots and be licensed. Mr. Coment told her that was correct and that it was also in this Resolution.

Mrs. Carroll noted that in the Resolution it states that it is a code violation. She asked if they are authorizing the Code Enforcement Officer to enforce it. Mr. Coment said that it is already authorized they are just pointing it out in the Resolution. Mrs. Carroll explained that her concern was that they seem to have a number of different individuals to police this Park. It would seem that they should designate just one (1) department to do this.

Mr. Coment stated that as far as the Animal Control Ordinance adopted by the County their Ordinance specially states that Police Officers can enforce it and their Animal Control Officer has that authority.

Mr. Winger felt that they were putting the Police Department in a bad position. He suggested just leaving it the way it is.

Mayor Turner explained that as a dog owner and someone that has been at that Park, if you are going to keep your dog under control and within your voice commands the majority of the dog activity is within the area shown on the doc cam that is being viewed.

Mr. Kramer commented that this has been going on for the last ten years without any incident, so why do they want to pile on these rules.

Mr. Fletcher made a motion to adopt the Resolution as presented. Mrs. Carroll seconded the motion.

Mr. O'Connor made it clear that the Resolution was designating the entire City owned property in this area where dogs can run. The City Manager determines where the signs will go as to where the restricted areas will be and at any time the signs can be moved in another direction.

Mr. Winger suggested having a public hearing on this matter and finding out how the people feel about it.

Mr. Fletcher commented that the matter has gone before the Recreation Commission and this is their recommendation.

Mr. Fletcher called the question.

Mr. Peter Robinson stated that he read the Resolution and had no problems with it. However, now they have moved the dog biscuit sign and the public doesn't know about this. He added that the whole reason this came up was because the Police Department was arresting people who owned dogs and were visiting this area.

Mrs. Carroll asked Mr. O'Connor to explain the moving of the signs.

Mr. O'Connor explained that the signs will be moved if needed. He said if they need the area to store debris then the signs will be moved. He explained that they use the fence of the ballpark as a boundary.

Mr. Winger suggested that wording be added to the Resolution.

Mr. Coment said that they could delineate it in the verbiage and have the City Manager determine when the area is needed.

Mr. Fletcher amended his motion to include expansion of the description.

Mr. Coment suggested bringing this Resolution back to their next meeting with an attached map. Council did not feel that the Resolution needed to come back before them. They just asked that the new conditions be included in the motion.

Mayor Turner seconded the amended motion. She said that they are voting to adopt the Resolution and include the ditch from the extension of the fence as part of the description of the area.

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

C) A Resolution of the City Council of the City of Vero Beach Adopting Standards for the Promotion, Encouragement, and Expansion and Energy Conservation and Efficiency Measures; Providing for an Effective Date.

The City Clerk read the Resolution by title only.

Mr. O'Connor explained that this is a requirement of the Public Service Commission (PSC). He said that the report was made a little late this year, but it has been made.

Mrs. Carroll wondered how often utility customers takes advantage of these energy conservation measures.

Mr. O'Connor commented that when someone receives a high electric bill is when it usually occurs.

Mr. Coment added that it is a statutory requirement that the City adopt these standards.

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

D) A Resolution of the City Council of the City of Vero Beach, Florida amending Sections 8.04 “Annual Leave Accrual,” 9.02 “Accruing and Charging Paid Medical Leave,” and 9.05: “Medical Leave Payments,” of the City of Vero Beach Personnel Rules; Providing for an Effective Date. – Requested by Mayor Turner

The City Clerk read the Resolution by title only.

Mayor Turner commented that over the past five years the City has paid out two-million dollars for unused vacation and accumulated sick pay. She said that vacation and sick pay were never intended to be a retirement bonus. She said that vacation time was meant for relaxation and better productivity when someone returns to work and sick time was intended to be used for a serious accident or illness requiring a prolonged recovery. These benefits were not cash bonuses, but were modified through union negotiations. In the recent CAFR the City’s current liability is \$2.8 million, for a City with an ad valorem tax base of \$4 million. She said that this is not sustainable. She asked Council to not only make these changes for new hires, but also to extend it to management as well. The City must evaluate the financial impact of the employee benefits and determine what the City can afford in going into union negotiations.

Mr. Kramer asked when Union negotiations begin.

Mr. O’Connor explained that they have been in union negotiations for the last two years. He said that the PBA contract has already expired and now with the new Unions that have been recognized by the State they are just starting on their contracts. Mrs. Carroll did not understand the comment just “recognized by the State”. Mr. O’Connor explained that they have recently petitioned the State to be recognized as a bargaining unit. He said that the general employees Union Contract expires in September 2013.

Mr. Kramer commented that is an awful lot of numbers to take in. He agreed with Mayor Turner on the sick leave. He asked if they were looking for a certain number for vacation days.

Mayor Turner suggested that the Resolution reads use it or lose it with a five day max carry over with approval by the City Manager.

Mr. Kramer wondered if they should put a cap on the number of vacation days allowed, but not cash them out.

Mr. O’Connor explained that vacation is an earned leave so if you earn a vacation and as long as you have valid ownership of that asset (unless there is a use it or lose it clause)

the City is subject to pay it. He said that sick leave is totally different. In the sick leave calculation that is a privilege and there is no earned ownership under the existing policy.

Mr. Winger said that they want employees to take their vacation so he is in support of the Mayor's proposal in regards to vacation.

Mr. Fletcher also agreed on the vacation time, but his thoughts on sick leave were a little different. He doesn't have a problem with an employee accumulating sick leave and it is not necessary to put a cap on it except that it would be of no value at retirement.

Mayor Turner stated that they put a cap on it for when the long term insurance would come into play. She asked the Council if they would be willing to extend the Resolution to cover management as well as new hires.

Mr. Winger said that it has to be done.

Mr. Coment stated that he would need to bring back another Resolution. He said that what this Resolution does is adopt the amendments in the Personnel Rules.

Mayor Turner asked that a new Resolution be prepared.

Mr. Kramer suggested taking it to the Finance Commission for their review.

Mr. O'Connor felt that as a personnel policy the Resolution needs to come from the Council.

Mr. Fletcher made a motion to table the Resolution and bring it back. Mr. Winger seconded the motion.

Mr. O'Connor understood that this would be a personnel policy for all new hires and existing management.

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

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

None

6. CITY CLERK'S MATTERS

A) Appointment to the County's Citizens Advisory Committee of the MPO

Mrs. Vock reported that Mr. Charles Vogt has resigned from the County's Citizens Advisory Committee and Council needs to appoint someone in his place.

Council instructed the Clerk to ask Mr. J. Rock Tonkel if he would be willing to serve on this Committee.

Mr. O'Connor went back to the Resolution that they were just discussing. He asked Council that when they say management, does that mean all non-bargaining employees. Council told him that is correct. Mr. O'Connor continued by saying that is for existing and new hires. He said that if you are not under a contract and you are an existing employee this policy will apply. Mr. Coment explained that going forward with the various Unions this will be a policy that will be discussed.

Mr. Coment said keep in mind that this would not affect any benefits already vested. It would just be going forward from the time it has been adopted.

Mrs. Carroll asked Mr. O'Connor if he could restate what he just said. She said if they make this policy for all new hires and then she heard Mr. O'Connor say it would have to be negotiated for the new hires joining the unions. She wondered if they could make a new policy and the Union would have to accept their new policy.

Mr. O'Connor explained anyone covered by a union contract or a contractual agreement of any type has to be negotiated under law in good faith.

Mrs. Carroll said but the City does not hire them under the Union. They are hired and it is not until they become an employee that they then join the Union.

Mr. O'Connor explained that if someone qualifies to be under the contract it says for all present and future employees who fall within the category.

7. CITY MANAGER'S MATTERS

A) Presentation of the Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2011

Mr. Ross Cotherman, Harris, Cotherman, Jones, Price & Associates, gave a brief overview of the Comprehensive Annual Financial Report (CAFR) for fiscal year ending September 30, 2011. He said that a presentation will be made to the Finance Commission at their next meeting.

Mr. Winger referred to page 116 and said that there was a fair amount of restating (things jumping from one category to another). Then on page 108, the unrestricted cash from nine and a half million to four point two million dollars, which is a large number and then on page 101, there has been large changes in the makeup of the infrastructure, but not in the total. He asked Mr. Cotherman not to answer his concerns tonight, but get him an answer in the future.

Mrs. Carroll complimented Mr. Cotherman on how the historical data was so nicely put together.

Mayor Turner pointed out that their other post employment benefits have increased in liability and the general pension fund is only funded at 63% although the Police Pension fund is a little bit higher at 85%.

Mr. Cotherman reported for this coming year there are not any new governmental accounting standards that will affect the City, but in a couple of years there will be some more major ones coming down the pike and one of which is going to be pension that goes into effect in 2015 and will change the entire look of pension footnotes.

Mayor Turner also pointed out with the summary of activities that the total revenue in 2011 was 13% below what it was in 2010. The expenses in the General Fund went up 12% so there is a 24% difference that needs to be made up.

Mr. Cotherman agreed that the ad valorem taxes were down \$500,000 and their investment earnings were down \$300,000.

Ms. Cindy Lawson, Finance Director, commented about the post employment benefits and that part of the reason for the large change in the current fiscal year was the way that it had been accumulated over the last several years in that what was booked was an only incremental difference as opposed to the accumulative difference, which was explained in the footnote. She pointed this out because they were not looking at something that was going to be four million dollars a year on an on-going basis.

Mr. Scott Stradley had a question about the audit standard for the pension liabilities. He asked if this has been promulgated.

Mr. Cotherman stated that his understanding was that it was going to be voted on either this month or next month (referring to the new governmental standards).

Mr. Stradley recommended adopting that as soon as they could, so they get a hard number on their unfunded pension liability.

Mrs. Carroll wondered if it was possible to provide the statistics now rather than later.

Ms. Lawson explained that the information regarding the current unfunded liability funded portion of the plan is included in detail in these financial statements. She said what hasn't happened is it has not been turned into a liability that appears on the balance sheet.

Mr. Fletcher asked is there any regulations that require them to have a certain amount of funding for the retirement.

Mr. Coment will look into that.

B) Recommendation for Agent of Record

Mr. O'Connor reported that on December 20, 2011, the City of Vero Beach issued a Request for Proposal for an Agent of Record for all lines of coverage of insurance. An Evaluation Committee was formed then each member presented their final rankings of one to four with one being the highest rank. The Committee unanimously ranked Willis Insurance as the first choice and the Gehring Group as their second choice. The Finance Commission has reviewed the information and voted 5-0 to recommend to Council that they enter into a contract with Willis of Florida Inc. to be the Agent of Record for insurance for the City of Vero Beach. Mr. O'Connor wanted Council to be aware that they are looking at options as to their Agent of Record because there are certain items that they will not need to use them for.

Mayor Turner pointed out that the reason that they went out for an Agent of Record was to try to reduce their insurance costs. She said that last year their health insurance cost went up 26%.

Mrs. Carroll asked what the percentage is that they expect the decrease to be from utilizing this new Agent of Record.

Mr. O'Connor did not think that they would see a decrease. He said what they would have to do is change the plan, which they are working with the Florida League of Cities on.

Mrs. Carroll wondered if they would have this information prior to budget time. Mr. O'Connor answered yes.

Mr. Fletcher made a motion to authorize the City Manager to use Willis Insurance as the Agent of Record. Mr. Kramer seconded the motion and it passed 5-0.

C) Traffic Control – US 1 at 21st Street

Mrs. Carroll asked that this item be delayed until their next meeting. She said that the person who has some issues with it could not be at their meeting tonight. This item will be brought back at the next Council meeting.

Mr. O'Connor gave an FPL update. He said that there have been some extensive discussions with FMPA and at the same time discussions going on with OUC. He said that Lake Worth has put out an RFP for energy supply and FPL was a qualified bidder in that. They submitted the City of Vero Beach's energy contract to Lake Worth as a possible alternative for their consideration.

Mrs. Carroll noted the letter that they received from FMPA offering their assistance in marketing their requirements.

Mr. O'Connor said that was correct and they have shared the letter with FPL so that they know the process that is being followed.

Mrs. Carroll mentioned that she and the City Manager met with some individuals at the Chamber of Commerce regarding possible discussion with the Florida Department of Transportation (FDOT) on the study of enhancement of the Port of Ft. Pierce.

Mayor Turner noted that there is a meeting in Ft. Pierce about that tomorrow and she will attend.

Mrs. Carroll expressed the importance of bringing more business and commerce into the City, which by enhancing the Port of Ft. Pierce that might happen.

Mrs. Carroll commented that they also discussed with the Chamber of Commerce the Economic Development Zone and some possible business tax receipts for businesses to be part of the City of Vero Beach, which is within the Enterprise Zone.

Mr. O'Connor agreed that they are working on this and that Mrs. Casteltine is the person who they have talked to about this. He said that what it does is gives a one year moratorium on the electric utility tax for new businesses coming into the Enterprise Zone. However, there are qualifications that have to be met. First of all it has to be a new business and it must generate jobs within the Enterprise Zone in order to qualify.

Mrs. Carroll asked for an update on the negotiations with Youth Sailing for the property at the Water Treatment Plant.

Mr. O'Connor knows that Mr. Charlie Pope has talked to the County about the permits that are needed. He asked Youth Sailing to let the neighbors see the paint color that is going to be used on the building so that they agree with it. He feels that everything is working well and so far he has not seen anything that could cause an upset in the operation. Youth Sailing is abiding by the rules as they go forward.

8. CITY ATTORNEY'S MATTERS

1) Discussion of Memo from the City Attorney concerning work performed in his office – (Item added on to the agenda by Councilmember Carroll)

Mrs. Carroll commented that she discussed this memo with the City Attorney and discovered that the Council is not required to utilize this new method that has been initiated by Mr. Coment.

Mr. Coment stated that this has helped tremendously with the work flow in his office. He thanked staff for helping them with this and reiterated that it was not intended for the Council.

9. CITY COUNCIL MATTERS

A. Old Business

None

B. New Business

Add on Item-

1. Decorum at our meetings – Requested by Councilmember Carroll

Mrs. Carroll noted that they have received an email from a member of the public, as well as she has received telephone calls from people concerned about the decorum at their City Board/Commission meetings. She said one of the Chairs of their Commissions was treated in a less than professional manner by another member on the Commission and comments were made that were completely inappropriate. She read into the record from their City Charter that Commission and Board members can be removed at the pleasure of the City Council and may be removed from office at any time by majority vote of the full City Council. Each Commission and Board shall follow the appropriate rules of procedure as set forth by the Code for the City Council. The presiding officer shall preserve order and decorum and while the group is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the group. Any person making obscene or who shall become boisterous while in the Council Chambers, shall be declared by the presiding officer to be out of order. Mrs. Carroll stated that the situation that occurred at the last Utilities Commission meeting on May 8, 2012 was very disturbing to those individuals who were at the meeting, as well as members of the Utilities Commission. She felt that it was inappropriate that obscene language was used. She said after the meeting she spoke to the Chair who was extremely upset by the actions of one of the Utility Commission members. She opened this up for discussion.

Mr. Winger commented that the whole topic was not jurmain because the individual in question was asking to expend funds out of the City Council budget and that was not the proper forum to go to. He does not know why the member brought it up because it was not the right place for it. The Chairman reached out and thanked the member for his contributions to the Commission and that is when it resumed even more forcibly. He thinks that the Chairman did a good job and he did not appreciate how it was handled by the member and felt that the individual was out of order.

Mr. Fletcher felt that Council needed to take action on this. He said that it is totally inappropriate. He made a motion to remove Mr. Heady from the Commission (Utilities Commission). He said that they (Council) cannot allow this sort of thing to happen.

Mayor Turner asked Mr. Fletcher if he would amend his motion to move Mr. Toby Hill, Alternate member, up to the full position. Mr. Fletcher amended his motion to include this.

Mr. Winger said that they could have some sort of review done on the individual because he does have ability, but he will go along with the sense of the Council.

Mr. Kramer did not think that there was any doubt that the person in question probably said some things that he wished he didn't say, although there are times that he wished he could say those kind of things, but he knows they have to remain professional in their meetings. However, it strikes him pretty funny that this Council knew what kind of individual they were putting in that position.

Mr. Fletcher stated that Mr. Heady has crossed a very distinct line. He agreed that he has valuable knowledge for that Commission, but this is a matter that Council needs to address.

The motion passed 4-1 with Mr. Kramer voting no.

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

A. Mayor Pilar Turner's Matters

1. Correspondence

Mayor Turner reported that she had the pleasure today to be at Vero Beach Sports Village where the American Amateur Baseball Congress just announced they will be bringing their World Series for boys 14 and under to Vero Beach.

Mayor Turner signed a letter to appeal the last census, which left them with a very low number for the City.

Mayor Turner attended the Indian River Mayor's meeting where they talked about economic development and what they can do for the cities themselves.

Mayor Turner has received several calls from people interested in their fertilizer Ordinance. She will work with the Clerk in putting some information on their website.

Mayor Turner thanked everyone for putting together the dedication ceremony naming the 17th Street Bridge the Alma Lee Loy Bridge. She said that Mr. O'Connor did a nice job with the Relay for Life event and the fundraising goals were met. On Tuesday, May 22nd everyone is invited to Waldos to welcome Reverend Anderson from the Unitarian Church back from his long bike ride that he did in order to raise funds for some homeless organizations. She also asked that everyone remember the heroes of our Nation and honor them on Memorial Day.

2. Committee Reports

3. Comments

B. Vice Mayor Craig Fletcher's Matters

1. Correspondence

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

Mr. Fletcher reported on the Relay for Life Cancer Walk that he participated in along with the City Clerk's office.

- C. Councilmember Tracy Carroll's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Mrs. Carroll commented on the importance of recognizing the efforts of their lifeguards and EMTs who helped the lady who was recently bitten by a shark. There will be lifesaving awards presented in the future.

- D. Councilmember Jay Kramer's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

Mr. Kramer reported that he attended National Day of Prayer, the Softball game between the lawyers and the doctors, a Downtown business group meeting and he has spent some time in Port St. Lucie talking to Workforce Solutions.

- E. Councilmember Richard Winger's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**
 - 3. Comments**

11. ADJOURNMENT

Tonight's meeting adjourned at 10:22 p.m.

/tv