ORGANIZATIONAL MINUTES OF THE CITY COUNCIL
MONDAY, NOVEMBER 8, 2010 10:00 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

PRESENT: Interim City Manager, Monte Falls; City Attorney, Charlie Vitunac and City Clerk, Tammy Vock

1. Call to Order of Canvassing Board – City Attorney

Mr. Charlie Vitunac, City Attorney, called today's meeting to order at 10:00 a.m.

A) Roll Call – Deputy City Clerk

B) Pledge of Allegiance – City Clerk

**Please note: The Pledge of Allegiance to the flag took place after the Invocation.

Mrs. Tammy Vock, City Clerk, led the audience in the Pledge of Allegiance to the flag.

C) Invocation – Assistant City Attorney

Mrs. Peggy Lyon, Assistant City Attorney, gave the invocation.

2. Certification of Election Results

A) Presentation of Election Results – City Clerk

Mrs. Vock reported that she received the Certified Election results on Friday, November 5, 2010.

B) Reading of Certification Resolution – Interim City Manager

Mr. Monte Falls, Interim City Manager, read the Certification Resolution (please see attached).

C) Motion to Adopt Resolution Certifying Election Results

Mrs. Vock made a motion to adopt the Resolution Certifying the Election Results. Mr. Falls seconded the motion and it passed unanimously.

3. Oath of Office of New Councilmembers

A) Administration of Oath of Office – City Clerk

The City Clerk administered the Oath of Office enmasse to Mr. Craig Fletcher, Mr. Jay Kramer, Mrs. Pilar Turner and Mrs. Tracy Carroll.

B) Adjournment of Canvassing Board

The Canvassing Board adjourned at 10:07 a.m.

C) Council Takes Seats at Dais

The City Councilmembers took their seats at the dais.

4. <u>Election of New Mayor</u>

Mr. Heady said that before they call for nominations for Mayor, he would like to know if any of the Councilmembers had anything to say.

Mr. Kramer said that he would like to be able to ask questions of the Councilmembers and felt that it would be a good idea to give the public the opportunity to speak.

Mrs. Turner and Mrs. Carroll agreed.

Mr. Fletcher said that his only comment was that this was not on the agenda as advertised.

Mr. Heady said there is nothing that states that Councilmembers can't speak. He felt that this was perfectly in order and falls under 4A).

Mr. Vitunac said once the nominations are complete, the Mayor would be selected by motion and all motions are debatable. The proper time for comments would be under debate on the motion. It would be up to Council if they want the public to speak. He did not see any prohibition of it in the Charter. He suggested that they take nominations first.

Mr. Heady felt that it would be nice to have the opportunity to speak. He said that Mr. Kramer also would like to speak. Therefore, he felt that it would be appropriate to allow Council to speak.

Mrs. Carroll said the City Attorney explained that debate would be allowed after the motions were made and therefore, the motions would need to take place first.

A) Call for Nominations for Mayor – City Attorney

Mr. Vitunac called for nominations for Mayor.
Mr. Heady said that he would take the job if no one wants it.

Mrs. Turner nominated Mr. Jay Kramer for Mayor.

Mrs. Carroll nominated herself for Mayor.

There were no further nominations.

Mr. Vitunac explained that it was up to the Council to ask questions or discuss this before motions for Mayor are made.

Mr. Kramer said in speaking with several people about the makeup of this Council, there was some concern on the dynamics between a couple of Councilmembers. He asked Mr. Heady if he felt that he could be fair and partial and forget the past and work forward to get some of the items important to the City done.

Mr. Heady asked Mr. Kramer if he remembered in the last year where he (Mr. Heady) acted in any way that wasn't fair and impartial. He felt that if Mr. Kramer looked at the record, he (Mr. Heady) was the only Councilmember who was fair and impartial and demanded that all Councilmembers and citizens be allowed the right to speak and be given the opportunity for their input. His answer to the question was his record for the last year and his actions, which spoke louder than words.

Mr. Kramer felt that it was great that Mr. Heady reminded everyone of this. He said that he saw this and wanted an affirmation of that question.

Mrs. Carroll felt that it was imperative that this Council project a sense of civility. In the past there were many acquisitions and heated discussions on the lack of civility. She felt that it was imperative that they go forward with not only civility, but also competency and require staff to provide the accurate documentation and financial information that Council needs to go forward in making decisions.

Mr. Vitunac said at this time it would be up to Council to determine if they would allow public comment.

It was the consensus of Council to allow public comments.

Mr. Charlie Wilson felt that it was clear that the voters spoke loud and clear, not once but twice. The one thing that the voters were looking for was unity. In reality, the Mayor is important for history, but not important for what they need to do to progress. He felt that what they needed to progress was to have five people (City Council) pulling the same wagon. He was not going to recommend who should be Mayor, but felt that the Mayor would need to be someone who could pull them together, handle the meeting, and keep them working for the people. He said that he spoke in the past about a 70 year old woman who stated that she never would have thought that government would have so much and she would have so little. He asked that Council remember this woman and what is best for this community.

Mr. Heady said the idea of everyone pulling in the same direction was one of the problems seen in government in local and national levels. He felt that one of the things that was important was not that they all pull the same wagon, but that they all contribute to the debate. He felt that the state of the City at this time could be compared to the aftermath of a hurricane. There is a mess to clean up and he felt that the voters handed them a mandate. He felt that this Council has enough experience to pick up that directive and to make good things happen. Regarding the statement that whoever is Mayor is not important, he felt that the past year showed them how important the Mayor is. They had a Mayor that shut down Councilmembers and shut down the public. He said that no one in this room fought for Councilmembers' and the public's right to speak and defended their right to speak more than he has. Therefore, he felt that it was important who is selected as Mayor.

Mr. Wilson agreed with Mr. Heady. He said that transparency, good debate, and information gathering was a change that he sees in moving forward. He trusted any of the Councilmembers to hold the reins of Mayor. What is important is that they do not become single minded, but single purpose. The single purpose is to remember that it is not about the employees, it is not about the City, it is not about the government, but it is about the 70 year old woman who can't pay her bills.

Mr. Larry Wilke said that he had the pleasure of going before the Supreme Court and what was very obvious to him was that the Attorneys chose words very carefully. He asked Council to "couch" their arguments in simple terms. They need to be short, concise, and get the job done.

Mr. Ron Carothers said that he lives outside the City and has been a ratepayer to the City for electric and sewer. He felt that the biggest mandate right now was to resolve the rate issue.

Mrs. Bea Gardner felt that the task today was to elect a Mayor. Not for citizens to give their grievances on what they expect of Council. She felt that they had good nominations for Mayor. She agreed with Mrs. Carroll that they need a sense of civility and competency. She felt that they had this in all the Council. She said the most important thing that she would look for in a Mayor is that they have a competent and able way of running meetings under Robert's Rules of Order. She asked Mr. Kramer and Mrs. Carroll if they understood Robert's Rules of Order.

Mr. Vitunac said that the City does not use Robert's Rules of Order.

Mr. Glen Heran felt that electric utility, water and sewer, and financial transparency were all critical items. But, they all pale in comparison to freedom of speech. He felt that the one person who does that greater than anyone was Mr. Heady. He said that open public debate is very important. He felt that because they didn't have this, that is the reason they are in the position they are in today.

Mr. Russ Johnson thanked Mr. Heady for standing up for the little person. He acknowledged Mr. Heran and Dr. Faherty for all the work they did to right the wrong on the City's utility

system. He said that he would love to have transparency on financial issues. He hoped that Council would work together to get this moving in the right direction.

Mr. Frank Zorc said that the last two speakers had his total support.

B) Motion for Election of one of the Nominees as Mayor

At this time, Mr. Vitunac explained to Council that in the past the method used to select a Mayor and Vice Mayor was to take a motion to elect one of the nominees and if the motion failed they would go to the next nominee. He said that it has been indicated that this process could be improved upon. One example would be for each Councilmember to write down their selection and pass it to the City Clerk to count the votes. He noted that this would be up to Council.

Mr. Fletcher suggested that they have a show of hands.

Mr. Heady said that they could have each Councilmember name the person they want. He felt that the way it was done in the past when they put one name up and had to vote on that one name it gave an unfair advantage. He said that they also could write down who they want as Mayor and pass the information to the City Clerk, which would not give any unfair advantage to either candidate.

Mr. Vitunac explained that if they wrote down their vote, they would need to sign the sheet.

It was the consensus of Council to write down their choice for Mayor.

At this time, each Councilmember wrote down their selection for Mayor and passed it down to the City Clerk (attached to the original minutes).

The City Clerk then read the nominations, which were as follows: Mr. Kramer voted for Mr. Kramer, Mr. Fletcher voted for Mr. Kramer, Mrs. Turner voted for Mr. Kramer, Mrs. Carroll voted for Mrs. Carroll and Mr. Heady voted for Mr. Kramer. The vote for Mr. Kramer as Mayor passed 4-1.

C) Mayor assumes Control of Meeting

Mr. Kramer took his seat as Mayor.

5. <u>Election of Vice-Mayor</u>

A) Call for Nominations for Vice Mayor – Mayor

Mayor Kramer nominated Mr. Brian Heady for Vice Mayor.

Mr. Fletcher nominated Mrs. Tracy Carroll for Vice Mayor.

Mrs. Turner nominated herself for Vice Mayor.

B) Motion for Election of One of the Nominees as Vice-Mayor

At this time, each Councilmember wrote down their selection for Vice Mayor and passed it down to the City Clerk (attached to the original minutes).

The City Clerk then read the nominations, which were as follows: Mr. Kramer voted for Mrs. Turner. Mr. Fletcher voted for Mrs. Turner, Mrs. Turner voted for Mrs. Turner, Mrs. Carroll voted for Mrs. Carroll and Mr. Heady voted for Mrs. Turner. The vote for Mrs. Turner as Vice Mayor passed 4-1.

6. <u>Seating Assignment & Appointments to Commission and Boards</u>

The City Clerk said that she gave each Councilmember a list of the different Commission and Boards. She asked Council to choose which Commission and Board they would like to serve on and she would put it on the next Council meeting's agenda for the Council to vote on it.

The seating arrangement is as follows: Councilmember Tracy Carroll, Councilmember Brian Heady, Mayor Jay Kramer, Vice Mayor Pilar Turner and Councilmember Craig Fletcher.

Mrs. Carroll said it was stated by the City Attorney earlier in today's meeting that the City Council does not follow Robert's Rules of Order. She asked is there a list of rules in the Charter or a document that shows exactly how the progression of Council should take place.

Mr. Vitunac said the City Code states that the City doesn't adopt Robert's Rules of Order officially, but they follow generally accepted rules to conduct a fair meeting.

Mr. Fletcher said there is a detailed list on how action should be taken in the City's Charter. He emphasized recognition from the Chair to speak and not to be interrupted until after they are finished.

7. <u>New Business</u>

Mr. Heady had a few words to say regarding each item under New Business. He said generally speaking, the Organizational Meeting is to name the Mayor, Vice Mayor and choose their seating arrangement. He felt that it was important that the City Council has been living beyond their means and they should act decisively and quickly to clean up some of the overspending and fiscal responsibility that they have seen. He felt that this Council was made up of innovative thinkers that are capable of doing something. He felt that they all had the ability and work ethic to start today in the recovery effort. On today's agenda he added New Business because Mr. Fletcher ran on the campaign that Council take back control. He thought that

symbolically if they did add items to today's meeting it would demonstrate that the agenda would not be completely dictated by staff and that Council would have control. He felt that if Mr. Fletcher was agreeable, that this Council could task him with the assignment of bringing back to Council his ideas that would accomplish his campaign promise. Mr. Heady said that he added item 7A) – Financial Analysis, because Mrs. Turner has shown over the past year that financial analysis is important. He agreed that they must have financial analysis for any items added to their agenda that would have a cost to the taxpayers. He felt that financial analysis was core to Mrs. Turner's campaign and he wanted her to have the opportunity to make a motion that Council approve the idea that nothing comes before them without adequate financial analysis. He felt that Mrs. Turner would be a good point person to ensure that before it comes to Council for a vote that staff has provided quality financial analysis. He added item 7B) – Privileges of Councilmembers, because in the past it seemed to him that elected officials somehow thought that they were more privileged than the citizens that they were elected to serve. He wanted the opportunity at this meeting to send a message to the citizens that this Council gets it. They understand that they are servants of the people. He wanted the opportunity to demonstrate their commitment to that service. He added item 7C) – Transparency, because Mayor Kramer ran on the issue of transparency. Mr. Heady felt that they need transparency and he knew that Mayor Kramer spoke of ideas that would work to accomplish that goal. He felt that the Mayor could be tasked with presenting those ideas to ensure that those they serve could easily see the inter-workings of government and expenditures that are made. He added item 7D) – FP&L, because Councilmember Carroll ran on an agenda on doing something with FP&L and he wanted her to have the opportunity to speak to this issue. He felt that they probably could get consensus from this Council to make Mrs. Carroll the lead person in bringing meaningful change to the high electric bills. He added item 7E) – Agenda Items, because the last Council made the City Clerk the gatekeeper of agenda items, which was wrong. He said this is a City Council meeting and Council must be the gatekeeper of their agendas and he wanted to make a motion today to rescind this. He added item 7F) – Time Restraints on Public, because this has been a bone of contention for years. He said that it is impossible to represent the people if they don't listen to them. The last Mayor and during one of the terms as Mayor of Mr. White and Mrs. McDonald, the time limit on citizens was not imposed. He felt that they should rescind that restriction. He said that the Mayor, with the concurrence of Council, should be able to discern when the meeting needs to move on. He added item 7G) – Time Restraints on Councilmembers, which refers to a Resolution that was approved by the last Council. He said that was clearly aimed at shutting him (Mr. Heady) down. He felt that as a body, they need to listen to all points of view from the public and from Councilmembers. These restraints should be rescinded and they should have a debate on this issue today.

Mrs. Carroll said that she was provided with a Council orientation guide from the City Clerk, which she expected would be very helpful. However, when she read through it she found some errors. She said that it was not as helpful as it could be.

The City Clerk said that the orientation guide is being updated.

Mrs. Carroll asked that the guide include the budgets of each City department, as well as a list of employees with a matrix of information that would help them as they go through the budget.

Mr. Fletcher said that he did have a problem with the additions to the agenda because these items were not advertised. He said that the public has the right to know what they were going to discuss before the meeting takes place. He said that supporting documents were not available.

Mayor Kramer said that they could discuss what supporting documents they need.

Mr. Fletcher said that he would not have a problem discussing these items as long as they don't take any legally binding votes.

Mr. Heady said the items that he placed on the agenda were advertised.

The City Clerk said that the agenda was revised and it was advertised with Mr. Heady's items.

A) Financial Analysis – Requested by Councilmember Brian Heady

Mayor Kramer said that Council perhaps might not take a vote, but look at what information gathering they would need and perhaps state some goals.

Mrs. Turner felt that the message was sent loud and clear during the campaign that they want a thorough financial analysis to address any issue that is coming before the Council that is going to cost the taxpayer's money.

Mayor Kramer asked is there anything more specific.

Mrs. Turner said that she would prepare some minimum financial information that should be presented with any data.

Mr. Heady said one of the things that he has tried over the last year was to get financial analysis sent to Council and repeatedly it was missing. He felt that it was important that this Council let the public know that they were not in Kansas anymore. They are in a different place and they need financial analysis. He did not see anything wrong with Council taking action during today's meeting to direct staff that before they bring anything before this Council that is going to cost taxpayer dollars, that it should have financial analysis attached to it. He felt that the public has voted, the numbers are clear, and Mrs. Turner ran on a campaign on financial analysis. He felt that with Mrs. Turner's help the financial analysis would be given to Council before they have to sit in a meeting and debate it. If they could make her the point person, then staff would know who they need to speak with. It would give staff an opportunity to have someone to talk to who would be very influential to this Council as to whether or not the backup information is adequate. He felt that this would make the meetings go easier because they would not have to send things back.

Mr. Heady made a motion to direct staff not to send things to City Council without financial analysis. He said that he would also like to make Mrs. Turner the point person for staff.

Mrs. Carroll thought that they were not going to make any motions or have any votes as they were not provided with documentation prior to today's meeting.

Mr. Fletcher said that he would like to have a consensus of Council.

Mrs. Carroll agreed.

Mr. Vitunac said that the former Council would not have allowed these items on the agenda without backup. He felt that it would be better if they did not make a motion unless they are satisfied with the backup.

Mayor Kramer said that he would like a model of what the financial analysis should be. He felt that the term "financial analysis" was very broad.

Mr. Heady said that was the reason for having a point person on Council that staff could go to. He said they could draw an outline of what a financial analysis would look like, but it would clearly be different depending on the topic. That is the reason why staff needs a point person to go to. He said that Councilmembers can make a motion at any time.

Mrs. Turner said that she would be delighted to serve as their point person on the financial area.

It was the consensus of the Council to make Mrs. Turner the point person for staff.

Mayor Kramer asked that they do not get too ambitious and pass anything until they have a good handle on financials.

Mr. Heady called for point of order. He said that there is a motion on the floor.

Mayor Kramer asked what was the motion.

The City Clerk stated that the motion was to direct staff not to send anything to Council without a financial analysis.

Mrs. Turner felt that they should hold off on the motion until they can give staff what financial analysis means. She said that she would bring the information to Council at their next meeting.

The motion died for lack of a second.

B) Privileges of Councilmembers – Requested by Councilmember Brian Heady

Mr. Heady said one of the things that has upset him was that Councilmembers took it upon themselves that they were better than the public. One of the symbols of those privileges was that there are three parking spaces assigned to Council, which were the closest parking spaces to the building. He felt that this was a poor message that they were sending as servants of the people, that they get the best parking spaces. He made a motion that the signs be removed and that those parking spaces are made available to the public. Mayor Kramer seconded the motion and it passed 4-1 with Mr. Fletcher voting no, Mrs. Carroll yes, Mr. Heady yes, Mrs. Turner yes and Mayor Kramer yes.

C) Transparency – Requested by Councilmember Brian Heady

Mr. Heady discussed things with Mayor Kramer during the campaign as well as discussed transparency with Mr. Dean Heran (Mr. Heran was going to run for the one year seat, but did not). Mr. Heran talked with Mr. Heady about other cities in the State of Florida that have their checkbook on line so that the public can see where the money is being spent. Mr. Heady said that he spoke with Mayor Kramer about this also and he (Mayor Kramer) agreed that this was a clear way to start transparency so the public would know where their money is spent. Mr. Heady thought that this was a tremendous idea.

Mr. Heady made a motion that they bring back to their next meeting what is required by staff in order to accomplish this and put them on the road of transparency.

Mayor Kramer reported that the County has their checkbook on line. He would like to see this done sooner rather than later. He felt that they need to make sure that the checkbook is on line so that everyone can see the cash flow and it needed to include not only the general ledger, but also the enterprise funds.

Mrs. Turner felt that they could accomplish this by directing staff to make it happen.

Mr. Kramer seconded the motion.

Mr. Fletcher felt that this was a little vague.

Mayor Kramer asked if staff was familiar with this process. He asked have they seen the County's website.

Mr. Falls said that he has not seen the information.

Mr. Heady said the motion was to direct staff to bring details of what it would take to accomplish this before the Council at their next meeting.

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

Mrs. Carroll said one of the things she found out this week was that the City Manager would meet with each Councilmember prior to the City Council meetings to go over the agenda items.

Mr. Falls said that he could not speak for the previous City Manager, but he would be available for Council to discuss any items they might have questions on.

Mrs. Carroll said that her question was, is it the general operating procedure that the City Manager would sit down with each Councilmember to go over the agenda so that he could share what the City's opinion was on each of those items.

Mr. Heady said that was what was happening, but since Mr. Falls has taken over he did not ask to sit down with him (Mr. Heady) in the same manner that the last City Manager did. He said that Mr. Falls expressed to him that his door was open anytime he has any questions. Mr. Heady felt that the method of a City Manager sitting down and schooling the Councilmember was an attempt to control the vote before it got to the meeting. He noted that he took heat from the former Council that he did not do his homework. What he didn't do was sit down and allow the former City Manager to tell him how everyone else was going to vote. He reported that he met with the former City Manager once over an issue that was going to be on the agenda and he was told how the other Councilmembers felt on that issue and that he was alone. At that point he left the meeting and did not meet with the City Manager again.

Mrs. Carroll said that was the information that she received. She appreciated that the City Manager would have his door open if Council has any questions. Her next concern was the documentation that is provided prior to the meetings. She said that she met with the City Clerk and discussed when this information is on line. She asked what day is the backup information put on line for the public to see.

The City Clerk reported that the information is normally placed on the City's website the Thursday prior to the Tuesday's City Council meeting.

D) FP&L – Requested by Councilmember Brian Heady

Mr. Heady noted that there has never been a point person on Council who would do the legwork necessary to find out if FP&L is getting what they need. He understood that staff was available, but felt that it was important to have an elected official as the point person to ensure that the electric issue is resolved sooner rather than later. He said that Mrs. Carroll was clearly qualified and has shown the kind of work ethic and tenacity to make sure that something is done. Mrs. Carroll has demonstrated that she doesn't take and drop something. He felt that it would be prudent of this Council to get consensus and make her the point person for ensuring that they receive the things necessary to ensure that FP&L or any other potential buyer or reduction of consumer costs are going forward. He felt that it would be beneficial to this Council and to the public to have an elected official as a lead person to bring meaningful change to the high electric bills.

Mayor Kramer agreed. He felt that Mrs. Carroll has been in the fight to bring this to the forefront.

Mrs. Carroll said that she would draft a policy to bring to their next meeting that they are looking forward to working closely with them (FP&L) and would provide them with all the documentation that they need. She has heard rumors that certain City staff has been reluctant to provide information in the past. She felt that Council needed to direct the City Manager to direct staff that they need to be open to whatever documentation FP&L needs.

Mr. Falls said that they would be glad to provide anything that Council would like to send to FP&L. He said that FP&L has not let them know of any information that they have not been supplied with. He said that he would send a letter to FP&L after today's meeting to introduce the new Council, which would include Mrs. Carroll as the point person.

Mayor Kramer asked does that mean that she will have the ability to talk to staff members.

Mr. Falls said that he could arrange any meetings with staff that she would like.

Mr. Heady said that any Councilmember that wants any information with respect to FP&L has the legal authority to approach staff and to check on any such documents.

Mayor Kramer said it was his understanding that they would need to go through Mr. Falls for these things. He did not want games being played where someone would not give information. He would like to see more freedom of getting information.

Mr. Falls said that if they go through him he would make sure they get the information that they need.

Mayor Kramer said that he was still hearing that they would need to go through the City Manager.

Mr. Heady said that they do not have to go through the City Manager.

Mr. Vitunac explained that under the City Charter, Councilmembers have the right to ask for information. What they can't do is give an individual order to an employee. If they need to give an order, then that is when they have to go through Mr. Falls.

Mr. Heady said that Councilmembers do not have the authority to tell staff what to do. Staff works for the City Manager. He noted that over the past year if he wanted information from staff he would pick up the phone and ask for the information that he wanted. He wanted all the Councilmembers to understand that they have the right and ability to go to anyone in the City and ask them whatever they want. Also, if a Councilmember wants to give staff an order staff should understand that they are not required to obey an order of any single

Councilmember. The order would have to go through the City Manager and/or through the City Council as a vote.

Council agreed to have Mrs. Carroll as their point person with FP&L.

Mr. Heady said that Ms. Lisa Zahner has done a reporting job in 32963 and some things that are in the article with respect to a certain consultant from Massachusetts upset him. He felt that it was important that City staff know that he is very concerned about continuing to pay that consultant. Her contract ended a long time ago and he would like to see the end of her ability to continue to draw a paycheck from this community. He said that there was a certain limit on what the City Manager can spend. What has happened in the past was that they would spend up to that amount every month as if it is a different contract. He said that process needs to stop. He would like this City Manager to know that this was not something that this Council approves of.

Mr. Falls said that he spoke with Mr. John Lee, Acting Electric Utilities Director, this morning regarding the arrangement the City had with this consultant and anytime they engage this consultant to do any more work for the City they would bring it before Council for their authorization.

E) Agenda Items – Requested by Councilmember Brian Heady

Mr. Heady said that the last City Council made the City Clerk the gatekeeper for agenda items, which placed her in a terrible position. He felt that this should not be part of her responsibility. This Council should be the gatekeeper of what does and does not go on the agenda.

Mr. Heady made a motion to rescind the order to the City Clerk and put control of their agenda back to where it belongs, which is the City Council. He said that even though the City Clerk was given the authority to remove items, she never did. She was very cooperative with him in adding items to the agenda, but there were times that she did add things that Council could have come down on her if they wanted to. He said that this is wrong.

Mr. Fletcher added with reservation that items are sent to the City Clerk in time to be published so that the public is notified.

Mrs. Carroll said that she brought this up earlier in today's meeting with regards to having the information out so that the public can make the determination if they want to speak. If they have the documentation out on Thursday, that would give the public enough time to make the decision to attend the meeting.

Mr. Heady said if they want to put a restriction on this, what they would be doing is restricting a Councilmember that finds out something of importance after the agenda is closed. He felt that Councilmembers should be allowed to add items to the agenda. He felt that by putting a

restriction that the items has to be submitted by a certain time so that the public knows is putting an undue burden on some emergency situations.

Mrs. Carroll said that if there was an item of importance, they could bring that up under member's matters with the goal of placing it on the next agenda.

Mr. Heady said if it needs attention right away, then it needs attention right away. If something comes up after the agenda is published and they want to put it on then they should put it on.

Mr. Vitunac noted that the City Charter states that items added to the agenda would have to have a unanimous vote.

Mr. Heady said that what he was asking was that this requirement be rescinded because it is not fair to the City Clerk to make her the gatekeeper. He felt that Council needed to be the gatekeeper of Council meetings.

Mrs. Turner seconded the motion and it passed 3-2 with Mr. Fletcher voting no, Mrs. Carroll no, Mr. Heady yes, Mrs. Turner yes and Mayor Kramer yes.

Mrs. Carroll asked if the City Clerk is no longer the gatekeeper, would she still be receiving the items and preparing the agenda.

Mr. Heady answered yes. He explained that what they did was that the City Clerk could no longer stop something from going on the agenda.

F) Time Restraints on Public – Requested by Councilmember Brian Heady

Mr. Heady said that over the years, depending on who had the gavel in their hand (Mayor), the public was either received well or turned away. He felt that it was their job to serve the public. He felt that an intelligent Mayor could run the meeting. He felt that having a written policy saying that there are time constraints on the public is wrong. They were present to listen to the public and they need to listen to the public.

Mr. Fletcher said that in order to do that they would need to have a Charter revision. He said the time limit of three minutes has been upheld in the Supreme Court many times. He said that is a tool to be used as a guideline, not a hard fast issue.

Mr. Heady made a motion that they remove the time constraints on the public and that the Mayor control the meeting and uses his discretion.

Mr. Fletcher said it was the consensus of Council not to take any votes that would be legally binding.

Mayor Kramer felt that this could be a consensus ruling.

Mr. Vitunac said the Ordinance states that there is a three-minute time limit unless the Council allows them more time.

Mayor Kramer felt that if they feel this needs to be brought back before them then they can bring it back.

Mr. Heady asked the City Clerk to place this item on the agenda for their next meeting.

G) Time Restraints on Councilmembers – Requested by Councilmembers – Requested by Brian Heady

Mr. Heady said that the last Council put time restraints on Councilmembers. He said that was clearly aimed at him. He said it was clear that the motion was meant to silence him or at least limit what he had to say. He felt that all elected officials should be allowed to speak for as long as it takes for them to make their point. He felt that the Mayor was capable enough to use the gavel when he sees fit.

Mr. Heady made a motion to rescind the Resolution that was adopted by the last Council to place time constraints on Councilmembers.

Mayor Kramer asked what is the language.

Mr. Fletcher said there was nothing in the Charter.

Mr. Vitunac explained that Council has the power to adopt their rules of procedure. He thought that the last Council passed a motion to limit the time.

Mr. Fletcher asked can they drop this at the consensus of the Council.

Mayor Kramer answered yes.

Council agreed.

Mr. Heady clarified that the time restraints on Councilmembers is hereby dropped.

Mr. Fletcher said that this is a business meeting and the Mayor has the authority to stop a Councilmember as well as the public from speaking with the Council's approval.

Mr. Fletcher hoped that the general public would congratulate the people who were unsuccessful in winning the election for Council for exercising their right to run. He felt that they were heroes.

G) Council Orientation Guide – helpful include budgets of each dept as well as list employees under each dept matrix of info help them out.

Mayor Kramer said that Mrs. Turner was tasked to work on the financing and Mrs. Carroll was tasked to be the point person for FP&L. He asked Council if there was any other items that they would like to take on.

Mrs. Turner said that she also would like to be the coordinator on water and sewer.

Mr. Fletcher had a strong interest in the MPO.

Mrs. Carroll felt that the composition of the Advisory Board and the utilization of them by the Council was very important.

Mr. Heady asked the City Clerk to provide Council with a list of all the Boards that is available (referring to Boards that the City Councilmembers sit on). He asked that each and every Board be available for every Councilmember with the exception of the Boards that are specifically for the Mayor. He asked that Council discuss this at their next meeting.

Mrs. Turner would like the Council to prepare a mission statement for each of the citizen advisory boards.

Mayor Kramer asked who would come up with the mission statements.

Mr. Vitunac explained that there is a mission statement for each of the advisory boards located in the City Ordinances. He said that Boards and Commissions are directly under the City Council.

Mr. Fletcher asked that the City Clerk distribute the existing mission statements for each of the advisory boards.

Mrs. Carroll said that many of the advisory boards provide a yearly report. She would like to have a manual of all of the yearly reports. She said that she spoke with many board/commission members who felt that they were not useful in that decisions were made by Council without ever going before their board/commission and asking for their opinions.

Mr. Fletcher said that the Planning and Zoning Board has over nine members. He suggested that they think about limiting the number of people on their boards/commissions to five.

Mr. Heady wanted to be clear that the City Clerk was going to give Council a copy of the mission statements for each of the boards/commissions, as well as a list of the boards that are available to Council.

Mr. Heady said that the Firefighters are having an event (Chili Cook-off) this Saturday. He said if the rest of the Council was willing, that he would have a City entry in this contest.

Mr. Bob Solari, Indian River County Commissioner, said that he was tasked by the Chairman to challenge the City on this. He said that the City was challenged last year, but they declined. He felt that Council owed it to the citizens of the City of Vero Beach to stand up and show them what Council can do. He said that there is no Sunshine Law violations in doing this.

Mr. Fletcher said that Council did away with the Councilmembers parking spaces, but there were also parking spaces for the Mayor and Vice Mayor located in the back of City Hall.

Mr. Heady felt that they should make those two parking areas available to any Councilmember.

Mayor Kramer did not have any need for a special parking spot.

Mr. Fletcher felt that those spaces were needed more for staff than for Council.

Mrs. Turner was willing to share her parking spot.

Mr. Falls asked Council if they want the signs removed.

Council agreed that they do not need to remove the signs. They all understand that they can use the parking spaces.

Council took a break at 11:53 a.m. and reconvened at 12:08 p.m.

7. <u>Sunshine Law Briefing – City Attorney</u>

A) Government in the Sunshine Presentation

Mrs. Lyon gave a Power Point presentation covering the Florida Government in the Sunshine (attached to the original minutes).

Mr. Warren Winchester congratulated everyone who was just recently elected. He said that they were going to have a tough time during the year. He said that Mr. Fletcher is going to have to keep them straight from time to time.

Mr. Fletcher said that he is going to try to keep them quiet.

Mr. Winchester continued stating that they are public servants and this will be the hardest job that they have ever had. He said that he would help in any way that he could. He felt that item 7) - New Business, on today's agenda was inappropriate. They did not have any backup material and they did not have an invitation to the public to participate. He felt that there could have been some things that the public would have liked to say. He said that it was okay

for Mr. Heady to say that they don't want to talk about things and deal with them in detail, but Mr. Heady did all the talking and the public did not get an invitation to speak and there was not any backup material for anything that Mr. Heady spoke about. He said that the Press has said, and Mr. Heady has indicated, and he (Mr. Winchester) has worked with City staff for about 27 years and he has never had a problem with staff trying to keep information from him or not providing the information that he requested. He said that he has worked with every City Manager since Mr. John Little and not one of them has ever asked him how he was going to vote on an item nor have they ever told him how someone else is voting. He said that he can't deny that may have happened to Mr. Heady because he said it did. But, no City Manager has ever said that to him. He said it was Council's job to make policy. City staff is to do the day to day work. If Council does not trust them (staff) then they are going to have a very unhappy term on City Council. He said that doesn't mean that they can't argue with staff or that they can't ask staff for information. He heard some words about the City Clerk that was not appropriate and she was not asked for her comments. She does what the Council tells her to do, as well as City staff. He said that a vote of three people is what gives direction to staff. He cautioned them with the job given to Mrs. Carroll regarding FP&L. He said that is a very tenuous task and it is going to take a long time. They don't have to do much to mess it up. The point of contact should always be Mr. Falls (City Manager) and not a City Councilmember. That doesn't mean that Mrs. Carroll should not know what is going on, but if they want to stay on point Mr. Falls should be where the buck stops with FP&L. He said that there isn't anything that goes on here that FP&L does not know about immediately. The Public Affairs Officer for FP&L is married to the man who heads Scripps Newspaper. He suspected that before the paper is ever printed that FP&L knows what is going on with the City Council. He asked, do they want to reaffirm their offer to sell. Probably yes, but he assured them that FP&L has heard it and knows about it. He said that he would help Council in any way that he can. He said that they were his Council, the City's Council, and he loves the City.

8. <u>Adjournment</u>

Mayor Kramer made a motion to adjourn today's meeting at 12:38 p.m. Mr. Fletcher seconded the motion. The meeting was adjourned.

/sp