

**CITY OF VERO BEACH, FLORIDA
DECEMBER 7, 2010 9:30 A.M.
REGULAR CITY COUNCIL MEETING
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A. Roll Call

Mayor Jay Kramer, present; Vice Mayor Pilar Turner, present; Councilmember Craig Fletcher, present; Councilmember Brian Heady, present and Councilmember Tracy Carroll, present **Also Present:** Monte Falls, Interim City Manager; Charlie Vitunac, City Attorney and Tammy Vock, City Clerk

B. Invocation

The invocation was given by Mrs. Peggy Lyon, Assistant City Attorney.

C. Pledge of Allegiance

The audience and the Council joined in the Pledge of Allegiance to the flag.

2. PRELIMINARY MATTERS

A. Agenda Additions, Deletions, and Adoption

Mayor Kramer requested that item 7-A) be added to the agenda – Change in the Electric Service Fuel Cost.

Mrs. Carroll asked that there be a correction made to the November 16, 2010 minutes. She said that on page 19, paragraph 8, line 7, it should say 18 and 44 instead of 18 and 24.

Mr. Heady requested under Old Business that item 9A-4) be added to the agenda – “Citizens First.” He said that he thought Mrs. Carroll was going to put this item back on the agenda, but since she did not he would.

Mrs. Carroll requested combining items 9B-1) and 9B-12) together because they basically were the same item.

Mr. Heady objected to taking items off of the agenda.

Mrs. Carroll then suggested combing items 9B-3) and 9B-6) because they also were basically the same items. Mr. Heady objected to this. He said if the matter has been talked about then they won’t need to speak about it again when the item comes up on the agenda.

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

B. Proclamations

1. Plaques to be given to former Mayor and Councilmember

Mayor Kramer presented former Mayor Kevin Sawnick and former Vice Mayor Sabe Abell with a plaque thanking them for their services to the City of Vero Beach.

Both Mr. Sawnick and Mr. Abell told Council that they are available to help in the future if they needed them to. Mr. Abell then read a prepared statement (attached to the original minutes).

C. Public Comment

1. Mr. Larry Wilke to speak about Florida Power and Light (FP&L)

Mr. Wilke was not present for today's meeting.

2. Mr. Keith Gordon to speak about signs

Mr. Gordon was not present for today's meeting.

3. Mr. Kenny B to speak about a "mission statement"

Mr. Kenny B was not present for today's meeting.

4. Charlie Wilson

Mr. Charlie Wilson congratulated the Council on their recent election. He thanked them for the work that they have done so far and what they will be doing in the future. He objected to Charlie Vitunac serving as the City Attorney. He recently had a chance to have some interaction with the City Utility Department and he complimented them on their services. He mentioned that when someone opens a new commercial business in the City of Vero Beach they have to make a deposit and their deposit is not returned to them the same way that if someone has a residential account. He suggested that this be looked at. He said if they make a deal with Florida Power and Light (FP&L) to take over their utilities then it is possible that those deposits will never be returned. He thought that it would help the business economy if these commercial deposits could be returned.

Mr. Heady brought up some of the negative comments that have been in the Press concerning some Councilmembers. He said that regardless of those comments, this Council will accomplish many things because they are working together.

5. Joseph Guffanti

Mr. Joseph Guffanti stated that he had three things to discuss today. The first thing was the OUC contract, the second thing will be baseball fields and the third thing will be good news for the Council. He went over the OUC contract and the problem that Mr. Heady has had with getting the redacted and unredacted copy of the contract. As he talked he realized that there was a three-minute time limit in place that has been lifted, but he still tries not to go over the time limit. He felt that there needed to be an investigation into the OUC contract. He said not like the one that was done by the State's Attorney's office, where the person doing the investigation had also worked for Mr. Jim Gabbard at the Police Department when he was the Police Chief. The investigation needs be a Federal investigation done out of Washington. Mr. Guffanti brought up the Dodger deal. He did not appreciate his money (taxpayer's money) being used to fund that deal nor does he want his tax dollars to go towards MiLB and their funding request. He felt that there were enough baseball fields in this County. He named where they all were located and felt that there were enough to provide the needs for this community. His last item to bring up was that hopefully this will be the last time that he has to come to one of these meetings. He has been coming to these meetings for the last 23 years and hopefully he won't have to do that anymore. He has never felt comfortable coming to these meetings and he advised this Council not to become like any of their predecessors were.

Mr. Rusty Bragg commented that his last utility bill was \$83.00, which he did not think was bad. He thought that selling their utilities to FP&L was a big mistake and they would not get the services that they always have with City utilities if that is done. He brought up the bad Press and he said that the reason that they were getting bad Press is because these meetings are going on too long and the infighting has to stop.

Mr. J. Rock Tonkel was at today's meeting representing approximately 1,300 residents who live in Grand Harbor. He said that he has talked to a lot of the residents in Grand Harbor and he has not heard any negative comments made about the services provided by FP&L.

Mr. Ken Daige complimented the City Attorney and said that he has always been helpful to him and did a good job when he worked for the County and does a good job for the City. He briefly went over the history of why they have the OUC contract and how they had to exit out of the contract that they had with FMPA. He said at the time OUC had the best rates and the bottom line is that the bills have dropped even though he agrees that they still need to be lower. He requested that under Old Business/New Business that he be allowed to come back and speak when they get to those items. He then read an email that was sent by Mr. Warren Winchester, which he will make part of the record and give a copy to the City Clerk. Mr. Daige mentioned that he asked the City Clerk to provide Council with copies of some memos that he had wrote to Mrs. Amy Brunjes, FP&L Vice President of External Affairs, when he was on Council regarding FP&L and also copies of the minutes from some of the meetings that were held with Senior Resources concerning the Go-line buses. Council told him that they did receive copies of the different memos. Mr. Daige told them if they had any questions that he would be glad to try to answer them.

D. Adoption of Consent Agenda

- 1. Regular City Council Minutes – November 16, 2010 – REQUESTED BY CITY CLERK**
- 2. Regular City Council Minutes – November 2, 2010 – REQUESTED BY CITY CLERK**
- 3. Organizational Minutes of the City Council – November 8, 2010 – REQUESTED BY CITY CLERK**
- 4. Jacoby & Piece of Pie Parks, Playground & Lighting Improvements – Community Development Block Grant (CDBG) Project – Recommendation of Final Acceptance and Payment – City of Vero Beach Project No. 2004-11 – REQUESTED BY INTERIM CITY MANAGER**
- 5. Replacement of PT/CT Combo Sets at Substation #20, Bid #110810Z-PJW PT/CT – REQUESTED BY INTERIM CITY MANAGER**

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

3. PUBLIC HEARINGS

- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 73, Article I, Flood Damage Prevention of the City of Vero Beach Code; providing for new definitions and revisions to clarify and update the existing text; providing standards for regulating placement of Manufactured Homes and Recreational Vehicles in Special Flood Hazard areas; providing for conflict and severability; providing for an effective date. – REQUESTED BY INTERIM CITY MANAGER**

The City Clerk read the Ordinance by title only.

Mr. Tim McGarry, Planning and Development Director, explained that this Ordinance is amending the City's floodplain regulations. The proposed revisions to the regulations are intended to address deficiencies identified by the Florida Division of Emergency Management during their community assistance visit. He referred to his November 5, 2010 memo provided to Council (on file in the Clerk's office).

Mayor Kramer asked how he came up with the \$75.00 application fee.

Mr. McGarry explained that the fee helps cover administration costs, inspections, and the other things that have to be done with an application. He felt that this was a very reasonable charge.

Mayor Kramer opened and closed the public hearing at 10:23 a.m., with no one wishing to be heard.

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

- B) An Ordinance of the City of Vero Beach, Florida, amending the Text of the Land Use, Traffic Circulation Element and Capital Improvements Element of the City of Vero Beach Comprehensive Plan by creating a policy to Ensource the location of an AmTrak Passenger Rail Station in the downtown; revising the level of service standard for A1A North of State Route 60 (Beachland Boulevard); correcting omissions; and clarifying language describing Roadway Level of Service Standards; providing for an effective date. – REQUESTED BY INTERIM CITY MANAGER**

The City Clerk read the Ordinance by title only.

Mr. McGarry explained that the Ordinance adopts amendments to the Comprehensive Plan regarding level of service revisions to A1A North of SR 60 that were approved by the Council on August 17, 2010 for transmittal to the Florida Department of Community Affairs (DCA). The City received DCA's Objections, Review Comments (ORC) report on the proposed amendments and the City has 60 days to adopt the proposed amendments, adopt with changes, or determine that it will not adopt the proposed amendments. The DCA identified only one objection, which had to do with the proposed new Policy 3.9 of the Traffic Circulation Element regarding the location of multimodal transportation facilities in the downtown. Staff recommends dropping the proposed policy at this time and addressing it during the preparation of the City's Evaluation Appraisal Report. Exhibit A of the Ordinance has been revised by deleting Policy 3.9 and proposed new Policy 3.10 has been renumbered as Policy 3.9.

Mrs. Turner had some concerns that the AmTrak station would not be able to come through Vero Beach.

Mr. McGarry had not heard any comments that there were any problems except for funding. He said that the previous Council did support a Resolution for the State of Florida's AmTrak/FEC corridor project application acknowledging potential station locations and acknowledging the City's commitment to the project.

Mayor Kramer opened the public hearing at 10:28 a.m.

Mr. Ken Daige encouraged Council to support this Ordinance. He said that they will need to look for funding if AmTrak does come to Vero Beach.

Mayor Kramer closed the public hearing at 10:29 a.m., with no one else wishing to be heard.

Mayor Kramer wanted to be assured that the language that is in the Ordinance will protect them from future liabilities.

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

4. RESOLUTIONS FOR ADOPTION WITHOUT PUBLIC HEARING

A) A Resolution of the City of Vero Beach, Florida, authorizing its Interim City Manager, its Director of Finance, and its Assistant Finance Director to issue Warrants, Checks, and Vouchers of the City of Vero Beach, for the payment of funds from any of the Depositories Utilized by the City. REQUESTED BY INTERIM CITY MANAGER

The City Clerk read the Resolution by title only.

Mr. Monte Falls, Interim City Manager, stated that this was just a housekeeping measure that will allow him to sign all warrants for the payment or transfer of money for the City of Vero Beach.

Mr. Steve Maillet, Finance Director, explained that Mr. Jim Gabbard's name will be removed and Mr. Monte Falls name will be added to allow him to sign warrants, checks and vouchers, etc.

Mr. Heady referred to page 2, where it states that checks drawn on any depository established for employee compensation shall be honored by any depository with the signature of either the Interim City Manager, the Finance Director, or the Assistant Finance Director. He asked why only one signature was requested.

Mr. Maillet said that if they had to issue a check by hand then it would require only one signature. However, he had no problem with changing this to require that two signatures are needed to sign off on it (dual signatures from his office and the City Manager if that pleases Council).

Mr. Heady asked why are they calling Mr. Falls the "Interim City Manager." He felt that "Interim" needed to be dropped.

Mrs. Carroll asked the City Attorney what is Mr. Falls' title.

Mr. Charles Vitunac, City Attorney, stated that Mr. Falls is the Interim City Manager.

It was the consensus of City Council that Mr. Fall's title would remain Interim City Manager.

Mrs. Turner made a motion to approve the Resolution with the amendment that dual signatures are required (referring to page 2 - employee compensation). Mr. Fletcher

seconded the motion and it passed 5-0 with Mrs. Carroll voting yes, Mr. Heady yes, Mr. Fletcher yes, Mrs. Turner yes, and Mayor Kramer yes.

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

- A) An Ordinance of the City of Vero Beach, Florida, amending Chapter 72, Article IV, Tree and Palm Protection of the Code of the City of Vero Beach; providing for additional exemptions from permitting requirements; amending Tree Removal Permit Procedures regarding Specimen Trees and Protected Trees and Palms; providing Procedures and Standards for Waiving Tree Removal Permitting Requirements by Planning and Zoning Board; providing for Conflict and Severability; providing for an Effective Date. REQUESTED BY INTERIM CITY MANAGER**

The City Clerk read the Ordinance by title only.

Mr. McGarry reported that in January of this year, the City adopted a comprehensive set of revisions to strengthen the regulations governing the removal of Trees and Palms as recommended in the City's adopted Vision Plan. However, since the enactment staff has identified specific areas where improvements to the regulations are desirable for a more effective and efficient process without any degradation of the Tree and Palm protection. Staff found the procedures governing removal of specimen trees to be rather burdensome to both the applicants and the City in terms of time and money expended. Under the current regulations, the removal of a specimen tree for any reason requires approval by the Planning and Zoning Board and must go through a public hearing process similar to a major site plan approval, including notification of property owners within 500 feet of the property. In staff's opinion this process could be revised to allow most specimen trees to be removed through the administrative process, rather than the quasi-judicial process requiring Planning and Zoning Board approval, without weakening the Tree and Palm protection regulations.

Mr. McGarry commented that another area that has created problems has to do with the criteria or conditions required to be met to receive a permit for Tree or Palm removal. Many trees that have reached the end of their lifecycles are expensive to maintain, subject to disease, and create potential life safety and property hazards. In staff's opinion the "end of the lifecycle" of a Tree or Palm should be added to the list of conditions for approval of a tree removal permit. Also, staff has identified some more exemptions from the permitting requirements of the Ordinance that should be considered. The exemption for removal of Trees and Palms located in a public right-of-way or utility easement should be expanded as the current exemption limitations creates further delay and costs for the City's Public Work's and Utilities Departments in carrying out their duties. Also, staff recommends that Palms and non-specimen trees within the playing boundaries of the golf course be exempted from the permitting requirements of Article IV.

Mr. McGarry mentioned that Section 72.43 gives authority to the Planning Director to modify the mitigation requirements for single family and duplex uses where he determines that the number of remaining Trees and Palms preserved on the lots plus any replacement Trees or Palms to be provided are of sufficient number and quality to comply with the purpose and intent of the Tree and Palm Protection Regulations. He said that similar authority should be given to the Planning and Zoning Board for all other uses.

Mrs. Carroll asked Mr. McGarry to give the definition of specimen and protected trees.

Mr. McGarry explained that in their Code it describes a list of the specimen trees. Protected trees are three inches or greater, and Palms are ten to twelve feet or greater.

Mrs. Carroll wondered why the 500 foot perimeter was originally placed in the Ordinance.

Mr. McGarry explained that it was because they use that for most major site plans. However, after it was in there everyone realized that it was overkill.

Mrs. Carroll asked if consideration was made to notify surrounding property owners only around the perimeter of the home. She expressed that if her next door neighbor was to cut down a Live Oak Tree that was half on her property that she might have an issue with that.

Mr. McGarry said if the tree was half on her property then she would have to sign off on the application form in order to allow it to be cut down. Back to the adjacent property owners, he said that really was not talked about.

Mr. Heady interjected that “on your property” is different than “hanging over your property.”

Mrs. Carroll referred to page 5, item (f), where it states “the tree or its root system is causing damage to a structure, areas or improvements used for pedestrian or vehicular traffic, or utility facilities.” She would hate to see trees cut down just because they are disturbing sidewalks, which have pedestrian traffic, and often occurs when Live Oak Tree roots impact the sidewalks. She would rather see the pedestrian traffic taken out of the Ordinance. Mr. McGarry did not have a problem with that. Mrs. Carroll did not want to see an individual in the community take out a tree just because it happens to be impacting a sidewalk in front of their house.

Mrs. Carroll made a motion that they remove the word “pedestrian” from item number (f) on page 5 of 14.

Mr. Heady asked what the liability issue is if they have a tree that is impacting the sidewalk.

Mr. Vitunac explained that the liability issue is always there, but the steps you take to avoid these things is the main thing.

Mr. Falls added that the Public Work's Department has a program, where once a year they inspect all the sidewalks in the City, mainly looking for raised sidewalks and the trees are usually the main reason for it. They do grind the edges down to make them flush. As they move forward and the tree gets bigger sometimes they have to do other things. However, they always try to maintain the trees.

Mr. Heady seconded the motion.

Mrs. Turner noted that Mr. McGarry made an exemption for the golf courses. She asked if these could also be made for the Airport.

Mr. McGarry explained that with the Airport they have an automatic exemption with FAA that is in the Code already.

The motion to the amendment passed unanimously.

Mr. Heady made a motion to approve the Ordinance on first reading and set the public hearing for January 4, 2011. Mrs. Carroll seconded the motion and it passed 5-0 with Mrs. Carroll voting yes, Mr. Heady yes, Mr. Fletcher yes, Mrs. Turner yes, and Mayor Kramer yes.

6. CITY CLERK'S MATTERS

A) Appointments to the Veterans Memorial Island Sanctuary Advisory Committee –REQUESTED BY CITY CLERK

Mrs. Tammy Vock, City Clerk, reported that there are two (2) full openings and one (1) alternate position open on the Veterans Memorial Island Sanctuary Advisory Committee.

Mrs. Turner made a motion to appoint Mr. Eric Wieler and Mr. Anthony Young as full members and Ms. Barbara Fallon as the alternate member. Mr. Fletcher seconded the motion.

Mr. Heady mentioned that Mr. Wieler is in charge of the Veterans Council and because of his busy schedule he would rather see him as the alternate member instead of a full member.

The motion failed 3-2 with Mrs. Carroll voting no, Mr. Heady voting no and Mayor Kramer voting no.

Mrs. Turner explained that she chose to have Mr. Wieler as a full member because of the time that he submitted his application (back in February). She noted that Ms. Fallon has just recently submitted her application.

Mr. Heady amended the motion to have Mr. Eric Wieler serve as the alternate member and Mr. Tony Young and Ms. Barbara Fallon serve as full members. Mrs. Carroll seconded the motion. The motion passed 3-2 with Mrs. Turner and Mr. Fletcher voting no.

7. CITY MANAGER'S MATTERS

Mr. John Lee, Acting Electric Utilities Director, referred to his memo (please see attached) that outlined the electric rate comparison, which he briefly explained.

Mr. Lee commented that the second line on most electric bills is "Electric Service – Fuel Cost," which represents the cost for the generation, transmission, and fuel necessary to provide electric service. The current pricing, as well as future price projections for natural gas, are evaluated by the Power Plant staff based on information obtained from the Florida Municipal Power Pool (FMPP). The maintenance requirements for the Power Plant and Transmission and Distribution Departments are reviewed to insure that all planned maintenance projects are on schedule. Then staff provides an update on any new projects that have been planned for the current fiscal year, as well as any unplanned project that may impact the budget. The Finance Department reviews the status of the working capital to insure that the City is maintaining between 45 and 60 days of working capital. At this time, the working capital is projected to exceed 60 days and all of the other factors are positive so it is possible to reduce the "Electric Service – Fuel Cost" portion of the electric bills.

Mr. Heady asked if deposits with FP&L are larger than what the City of Vero Beach requires.

Mr. Lee explained that their (City of Vero Beach) deposit policy for electric service used to be \$100.00 and for water service it was \$50.00. When the rate study was completed, it suggested that amount be changed and brought up to \$200.00 for electric and \$100.00 for water for residential customers. However, any customer that can get a letter of credit from a previous utility provider constitutes a waiver of the deposit. The City will also issue a letter of credit to someone who no longer needs their utilities.

Mr. Heady then asked about commercial deposits.

Mr. Lee explained that historically they returned deposits to commercial customers and at one time there were a lot of commercial customers who had no deposits at all. So literally they asked every commercial customer from every account to put up a deposit that is their average monthly bill for three months. The auditors talk to them every year and tell them that they have customers who have no deposits. They work with every new customer to set a deposit as low as possible, but not more than their average bill for three months. They have an obligation from a business standpoint to do this.

Mayor Kramer asked what FP&L does with their commercial accounts.

Mr. Lee thought that FP&L did it based on two or three months of an average bill (basically the same thing that they do). However, with residential customers they do it the same way. They also waive the deposit if someone has good credit with another utility provider.

Mr. Falls complimented Mr. Lee on the good work that he has done as Acting Electric Utilities Director. He then referred back to the chart and commented that it is a 30% reduction in the bill overall since the OUC contract has taken effect.

Council took a break at 11:02 a.m. and the meeting reconvened at 11:13 a.m.

8. CITY ATTORNEY'S MATTERS

None

9. CITY COUNCIL MATTERS

A. Old Business

1) OUC Contract – Requested by Councilmember Heady

Mr. Heady reported that a copy of the April 7, 2008 unredacted OUC contract still has not been supplied to him. He met with Mr. Lee and Mr. Falls on this item and they talked about the document and what it contains. Again, he reiterated that he wanted to see this document.

Mr. Falls stated that at their next regular meeting, Mr. Lee will be presenting them with a summary of the OUC contract from the technical side and Mr. Vitunac is going to put together a summary of the OUC contract from the legal side. In addition, he will be providing the documents that they can say to the best of their knowledge, are the documents that they are looking for.

Mr. Heady added that when he spoke to Mr. Falls and Mr. Lee, he made it clear to them that he would like this document given to him in electronic form and that he still had not received the document that was on the table for the April 7, 2008.

Mrs. Carroll noted that in the minutes of the last Council meeting the City Clerk told Council that she would provide them with the redacted and unredacted contract that she has in her contract file. She personally received three different contracts and Mr. Heady is stating that the contract he wishes to see is not one of those contracts that have been provided.

Mr. Heady said that is correct. He said that if you take the redacted copy and the unredacted copy and put them side by side it shows that they are not the same document.

Mrs. Carroll stated that her question to the City Clerk is that she told Council that she was going to provide them with everything that she had in her files and what Mr. Heady is saying is that there is a contract that the Clerk does not have in her file.

Mrs. Vock stated that she gave Council a copy of the contracts that she has in her files.

Mr. Heady reiterated that what he wants is the (April 7th) unredacted document, which is not with the documents supplied to Council by the City Clerk. He has lost track of how many times that he has asked for this document. He wants this document provided to him in electronic form, which would enable him to go back and see who made changes and in fact the same document that the City Council looked at. He said on April 15th the City Council voted on the document that was reportedly reviewed on April 7th with the exception of one change that was made by Mr. Ken Daige, which was an indemnification clause to the contract to protect City Councilmembers. The only document that can be attached to the signature page is the document that was voted on. He said that is not what is in the City file. The Mayor at the time, Mr. Tom White, was presented with the document that they voted on and he signed the signature page and was asked in February at a City Council meeting, whether or not there were any changes to the contract that he testified that were no changes other than the change that was requested by Ken Daige. He wants to see the contract that Council voted on and reviewed on April 7th. He said that is the document that should be attached to the signature page.

Mrs. Carroll asked Mr. Vitunac how could they obtain this document for Mr. Heady.

Mr. Heady told Mrs. Carroll that this document is not for him. It is the document that needs to be placed in public records as the OUC contract that was agreed to.

Mr. Vitunac reported that staff has in their control, and has had ever since April 7th, the electronic form of the contract that was sent to the City Manager's office at 9:30 a.m. on April 7th. He said this document was printed out and used by Mrs. Hersey as she talked to each of the Councilmembers. The document was then redacted so that copies could be given to the Utilities Commission and the public. He said OUC wanted the formulas and numbers blacked out, which was the same thing that FP&L had requested (redacted). The Utility Commission meeting was held on April 8th and the City Council saw the redacted version at their April 15th City Council meeting. He said between those two dates, the lawyers from OUC and the City and the technical staff kept reading the contract and making improvements to it (grammar, commas, etc.) and cleaned it up. This copy was sent to the City (sent to former Electric Utility Director, R.B. Sloan). Mr. Sloan looked at the changes and felt that they were all minor and didn't mention them. So the contract approved by the Council on April 15th had these changes in them. Mr. Heady is not correct when he says that after the contract was signed that the changes were made. The changes were made after the City Council reviewed the contract on April 7th and before they saw it on April 15th. A Power Point presentation was given at the April 15th meeting by Mrs. Sue Hersey and they had the recommendation of the Utilities Commission who were in favor of the contract and the City Council approved it with one change as outlined by Mr. Daige. Mr. Vitunac stated that unfortunately Mr. Sloan did not

mention that there were all those other changes made. When the lawyer wrote him saying there was only one change made, she meant that there was only one change from the last version. After that in a Council meeting, he went over all the 115 minor changes made to the document. None of the changes made were substantial. It was just cleaning up the document. He told Council at the time if they wanted to go back to the old version they could, but it would be more difficult to read the contract because the changes would not match. The Council did not want to do that. He told the Council at that time that if they did not formally ratify the changes, they will be ratified by operation of law because they have accepted the contract without complaining about it.

Mayor Kramer and Mr. Heady said that they have been complaining about it.

Mr. Vitunac continued by saying that there was no difference in the contracts other than one was a cleaner version. He will show at the next meeting all those numbers that were redacted are the same. He said that Mr. Lee will go over every single number and show that they are the exact same numbers that Council saw on April 7th. They can show forensically and electronically that those numbers have been in their computer system since that date. There has been no corruption or changing. OUC is a municipal electric just like the City. They have a staff of lawyers, technicians, electronic people, etc., who are well respected throughout the State. He felt that FP&L would agree with that. He said that representatives of FP&L also said that is a good contract the City has with OUC. If FP&L becomes the City's electric provider they don't have anything bad to say about the OUC contract. Mr. Falls showed the Council that the rates have gone down 33% since January, which is good. Mr. Vitunac said that he was floored when Mr. Gufanti spoke about the exorbitant rates as a result of the OUC contract. Mr. Gufanti should have said they received a 33% reduction and there is more to go. Mr. Vitunac said FP&L is still lower, but the OUC contract is not the problem. It is a step towards the solution.

Mr. Heady said that Mr. Vitunac could talk all day long about whether the contract is good, bad, or indifferent. It doesn't change the fact that the Council reviewed a contract on April 7th and he has been asking for it for one year and they are now saying that they can provide it electronically. He asked why won't they give him the electronic copy of the contract. He said that he has been asking for this for a long time. He asked that it be given to him. He said to give him the disc and print the unredacted form of the document that existed on April 7th.

Mr. Vitunac said that as soon as this meeting ends, Mr. Heady can go up to the City Manager's office and they can print him a copy of the contract from their computer.

Mr. Heady said that he did not want it printed. He wanted the electronic copy either by email or on a disc. He said to give it to him on disc.

Mr. Vitunac said Mrs. Hersey said that she had the actual document in her hand and gave it to the City Clerk and that has been given to Mr. Heady. He said that he could not testify that was what she had in her hand, but she testified to it. As soon as today's meeting ends the City Manager's office will email Mr. Heady what was there on April

7th, unredacted with all the formulas. Also, in the near future Mr. Lee would be coming back with a report on whether the numbers are or are not the same as what the City signed on April 15th.

Mrs. Carroll thanked Mr. Vitunac. She said that she has heard Mr. Heady ask for the document numerous times throughout the entire year of 2010. This is the first time that someone has said yes, they would get it to him. She felt that this would make Mr. Heady happy.

Mr. Falls said that they would send each Councilmember a copy of the electronic version.

Mayor Kramer said that the last time they discussed this Mr. Falls said that he would speak with Mrs. Hersey to get her version of the contract.

Mr. Falls said that he reviewed the minutes and he thought the direction given was not to request anything from Mrs. Hersey because of the additional cost. He reported that Mr. Vitunac did speak with Mrs. Hersey.

Mr. Heady said that if they read the minutes, what they did agree to was that Mr. Falls was going to get that information before they closed out her account. That was what he remembered.

Mr. Vitunac reported that when he spoke with Mrs. Hersey she told him that the original document was given to the City Clerk and she (Mrs. Hersey) no longer has it.

Mr. Falls said that they would wrap this up in the summery that they would be doing.

Mayor Kramer asked did anyone ask Mr. Sloan if he has a copy of what was given to him or has anyone asked OUC.

Mr. Heady said that in February of this year, when Debra Fromang was on Council, she told him that she could demonstrate that Mr. Sloan had the April 7th document unredacted. He said that they both went to Mr. Sloan's desk and Mrs. Fromang and the City Manager's staff looked through the desk and the document was not there. Mrs. Fromang was then concerned and called Mr. Sloan and asked him where the document was. Mr. Sloan's answer was that he never had an unredacted copy. The only person that had it in their possession was Mrs. Hersey. At that point he and Mrs. Fromang went to the City Attorney's office and Mr. Vitunac told them that he could print the document for them. Mr. Heady said that was fine, but what Mr. Vitunac would be giving them was not what he was asking for. What he was asking for was the unredacted copy from April 7th. At that point they received a telephone call from Mrs. Hersey who stated that she had the document in her possession in Boston. Mr. Vitunac stated that he would have Mrs. Hersey come to Vero Beach with the document. Mrs. Hersey attended a meeting and under oath she slapped the document on the table stating that she had the document right there and she did not know what his problem was. Later on that day the document that Mrs. Hersey testified was the original, which she said that she had notes in the margins

from every single Councilmember on what they said and she said that she would give the document to the City Clerk. Mr. Heady said the document Mrs. Hersey gave the City Clerk did not have any notes. It was a clean document and it is the document that the City Clerk has presented to Council as the document in the file. There are no notes, there is nothing in the margins, you can't see any changes, you don't know where it came from, and it does not match the redacted copy. If you take a document and you do a redaction and you print it on transparency and do an overlay you could see that they were the same. If they look at the redacted copy that was given to Council and compare it to the unredacted copy, it is very easy to see that they are not the same documents at all. They are from a different time, there are redactions in there that are very different from the unredacted document. He said that he wants the document that is in electronic form that is the document that was on the table that Council reviewed on April 7th because that is the document they voted on at the April 15th meeting. If they were to watch the video of the meeting, it is clear that they were voting on the document that they reviewed. It is also clear that no one knew of any changes other than the one that then Councilmember Daige requested, which was an indemnification clause. That is the contract that they voted on and that is the one that needs to be attached to the signature page.

Mayor Kramer asked Council if they also wanted to pursue the contract that Mrs. Hersey had her notes on.

Mr. Heady answered yes.

Mayor Kramer said there were two documents that should match what they are looking for.

Mr. Heady said that was correct. He said the two documents should match.

Mr. Lee said if they have five people in a room and five people have a copy and five people make notes then there are five different copies. He felt that what Mr. Heady wanted was the electronic version that was emailed to the City. He asked Mr. Heady if he wanted Mrs. Hersey's working papers from that day.

Mr. Heady answered no. He said each Councilmember did not have an unredacted copy and they never did. There was one copy on the desk and the testimony from Mrs. Hersey was that as Councilmembers were making comments she made notes in the margins as to what their concerns or what their problems were on the contract. There was one contract on the table on April 7th according to testimony. No one had a copy of it other than Mrs. Hersey. That was the testimony.

Mr. Lee asked is that true Mr. Vitunac or were there multiple copies.

Mr. Vitunac did not remember, but he did remember that Mrs. Hersey said that she did not write on the contract. She said that at the very top of it she wrote in pencil something like "Sue Hersey's copy" or something like that. He said there were no handwritten interlineations throughout the contract.

Mr. Lee thought that the most they would be able to provide would be the email that had the file attached that was sent to Mr. Sloan. They do not have anything with handwritten notes on it. He has never seen anything like that. He stated that he was not in the meeting at that time and neither was Mr. Falls. As he looked back on this he realized that none of the Councilmembers initialed any of the pages so they don't know if they looked at select pages, which he would suspect that they would have done (look at the pertinent pages and skip over some of the legalese). He was not sure if they could give Mr. Heady what he was looking for, but they would look into it.

Mayor Kramer said the direction is for staff to distribute the electronic version to Council.

2) Pill Mill Restrictions (memo 11/17/10 Peggy Lyon) – Requested by Councilmember Heady

Mr. Heady explained that the reason he had this item placed on the agenda was because the State apparently put the brakes on any legislation. At their last meeting Council agreed to let the City's moratorium sunset because they were assured by Mrs. Peggy Lyon, Assistant City Attorney, that the State and the County were on top of this and that the City would be secure that no pill mills would be able to come into the City. After that meeting there were news reports that the State is going to go forward with this in March. He wanted to be assured that the City would be protected and would not have pill mills pop up anywhere within the corporate limits.

Mrs. Lyon said the City is protected. The City's moratorium sunsetted on November 28th and the City is now under the County moratorium as their first step towards Countywide jurisdiction and protection. She said there is a meeting scheduled on December 16, 2010 at 3:00 p.m. and they are planning to discuss a draft County Ordinance. She said that she would distribute the draft Ordinance to Council prior to that meeting. She said that it would be great if Council could attend this meeting and give their input. She reported that Mr. Alan Polackwich, Indian River County Attorney, gave a presentation at the Legislative Delegation meeting begging their Representatives to put this as their top priority. She said that the State rules are still in effect, but what happened was that they required the Department of Medicine and the Department of Osteopathic Physicians to come up with their own rules fleshing out the State Statues. They met for 18 months, but because of a quirk of politics at the State level, the Osteopathic Medicine rules passed on November 8th and went into effect. The Board of Medicine rules unfortunately passed after the veto from Governor Crist that was overridden by the new legislature. Therefore, the Board of Medicine rules are not in effect. Because of this legislation, the Board of Medicine has to fill out a form for the State that says the impact of their rules would not be more than \$200,000 a year. She said that they were pretty sure that their impact would be more than \$200,000 a year. This means that this has to be approved during the March regular legislation session. She said that it is very chaotic at the State level, which leaves Vero Beach's law enforcement, zoning regulations, business tax receipts, etc., battling the illicit pain clinics. She explained that the City is working under the County Ordinance.

Mrs. Carroll asked does the City currently have any pill mills.

Mrs. Lyon answered yes.

Mrs. Carroll asked what can the City do about this.

Mrs. Lyon passed out a list of five pill mills located in Indian River County. She said that during the delegation meeting, Mr. Polackwich reported that there were eight pill mills in Indian River County. She said that there is only one in the City of Vero Beach.

Mrs. Carroll asked did the pill mills arrive here before anything was instituted.

Mrs. Lyon said that they arrived here before the State Statute went into affect on October 1, 2010.

Mr. Heady said former Councilmember Daige and himself asked for a moratorium and the past City Manager, Mr. James Gabbard, said that staff was working on it and there was no need to do anything at that time. He and Mr. Daige fought very hard to get a moratorium during that meeting and the City Attorney and the City Manager assured them that there was no need to do this. He thought that there was a vote on this and they lost 3-2. He said that this was put off until their next meeting and during that two week period the pill mill came into the City.

Mrs. Carroll questioned legally if there was anything the City could do retroactively.

Mrs. Lyon said not if that pill mill is operating under the State Statute and she felt that they were. Unfortunately at the State level there is a gap and she was not sure when they would be able to start going into the pill mills to make sure that they are operating legally.

Mrs. Carroll said so the County regulations operates just as if someone new is coming in.

Mrs. Lyon said that is correct, but the State will catch people who are not operating legally. It is just at this point, the State is in disarray.

Mr. Vitunac said that his office recommended that if Council wanted a moratorium that they adopt one legally, which is not by fiat at the moment. It was by adoption of a zoning Ordinance through the land use method. That was why it came back to Council. The City's moratorium is unassailable legally. It provided a six month moratorium that gave them time to consider the issue from a global position. He felt that the pill mill in question came to their attention because it was already here before they knew about it. It did not squeak under the wire because of a delay in adopting a moratorium. The pill mill got here because there were no regulations against it. The City Attorney's office is still of the opinion that this is a massive Statewide issue that the State should be solving. He

noted that the City cannot shut them down because they are not authorized to go into a Doctor's office and look at their records.

3) Reconstituting Finance Committee – Requested by Councilmember Heady

Mr. Heady said that he requested this item to be placed on the agenda because Mrs. Turner voiced some concerns about the Finance Commission and the Utilities Commission and he wanted to keep this alive. He felt that it was important for Council to discuss these Commissions long before their July Budget Hearings. He felt that both Commissions could address some of the tremendous financial issues that is going to affect the City during the Budget Hearings and they need answers before then. He thought that they could discuss this during their December workshop meeting.

Mrs. Carroll agreed. She said that Council received a memorandum from the City Clerk with her ideas regarding the City Boards and Commissions (on file in the City Clerk's office). She did an analysis on the number of times members were absent and who spoke during the meetings on one of the Commissions just mentioned. She noted that there were quite a few members that she found were unacceptable in terms of their participation. She said there were a lot of people in this community who would take an active role on these Boards and Commissions. She felt that it may be time for a member to retire after serving five to ten years to allow a new member to serve who has new interests and new decision making. She felt that Council really needed to rely on their Boards and Commissions, but Boards and Commissions can only be as effective as their members.

Mrs. Turner suggested that they discuss the Commissions and Boards during their December workshop. She said that she has been meeting with the Chairman of the Commissions and Boards, as well as reading through their meeting minutes in order to prepare some suggestions on how they can target these Boards to be more effective to meet Council's needs. She said that she would bring this forward in written form to Council so that they can be reviewed prior to the meeting.

Mayor Kramer said it was his understanding that there would probably be a few Councilmembers that would not be available to attend a workshop meeting on December 21st.

Mr. Fletcher said that he would not be able to attend the December meeting.

Mayor Kramer asked Mr. Fletcher if he would be okay with Council discussing the Boards and Commissions at that meeting.

Mr. Fletcher said that would be up to Council.

Mr. Heady said that is the date of the regular City Council meeting.

Mayor Kramer said they could move the date up for the workshop.

Mr. Fletcher felt that Council should wait to discuss the Commissions and Boards until after the first of the year. He said that he would like to attend the workshop, but he would be out of town on December 21st.

Mr. Heady said that he was trying to move the date of the meeting to accommodate Mr. Fletcher.

Mr. Fletcher said the members of the Boards and Commissions serve at the pleasure of the Council and they can remove and replace the members at any time. He said that he has two people that he would like to present for the Utilities Commission and two people for the Planning and Zoning Board, but he would like to do this after the first of the year.

Mrs. Turner said at this point she was not talking about appointments to the Commissions and Boards. She was talking about a clear mission statement for each of them.

Mr. Fletcher said it is fine with him if they want to do a mission statement at the workshop, but if they are going to replace members then he would ask that they wait until after the first of the year.

Mayor Kramer said that the workshop would be for them to have the opportunity to meet and kick ideas around. Not to make any decisions.

Mrs. Carroll felt that if they were going to ask members to leave their Commissions or Boards that the Council not just place people on a Commission or Board, that they have an interview process. If the interview process was scheduled for January, that would give Council the opportunity to meet the people who are interested in serving.

Mr. Fletcher said that there is an interview process.

Mrs. Carroll suggested that they start the process on December 21st. Mrs. Carroll asked was it decided that Council would have a meeting on December 21st.

Mr. Fletcher said that he was okay with Council holding their workshop on December 21st. He said that he would give his suggestions to the City Clerk to enter them into the record.

Mayor Kramer said that he would like to have the workshop on December 21st with one of their topics being Commissions and Boards.

Mr. Heady made a motion to hold a workshop on December 21, 2010 at 9:30 a.m. and to discuss their Commissions and Boards. Mrs. Turner seconded the motion and it passed 4-1 with Mr. Fletcher voting no.

4. Citizen's First

Mr. Heady said there are citizens who attend their meetings to give their input and sometimes it lasts longer than Council cares to indulge, but they work for the citizens and it is important that Council puts them first. At the last Council meeting they discussed making a recommendation to all the Commissions and Boards that they move citizen input to the front of their agendas. At that time, Mrs. Carroll spoke about a Commission meeting where citizens did not get a chance to address their issues until after there was a decision. He made a motion that the City Commissions and Boards put citizen input on their agenda and heard at the beginning of their meeting. Mayor Kramer seconded the motion and it passed unanimously.

B. New Business

1) Special Call meeting for Airport discussion and presentation on possible lead contaminants and noise pollution – Requested by Mayor Kramer

Mayor Kramer said there was a request from some individuals to hold a Special Call meeting regarding the possibility of lead contaminants and a continuation of noise pollution at the Vero Beach Municipal Airport.

Ms. Nancy Wood said that she was present for today's meeting to make sure that they secure a date for a Special Call meeting. She then read a prepared speech. She said that earlier this year City Council approved a Special Call meeting regarding the Vero Beach Municipal Airport. This meeting was scheduled for October 14, 2010. After meeting with the Airport Director and discovering that the Treasure Coast Regional Planning Council was hosting a seminar on Airport compatibility that same day, it was agreed that they would postpone the Special Call meeting until early in the year 2011. It was agreed by the Council and the Airport Director to reschedule the meeting to March 2011. She said that they want to secure this date because they want to give the Airport Director time to answer questions that they have and this would be about a six week window. She said because this involves the health and welfare of the citizens she looked to see when spring break is. She would like the meeting to be held in the evening so that people could attend. She was surprised that the students of Indian River County wanted to participate in this. She said that they have been in touch with the Florida Department of Environmental Protection Agency (EPA) and they have an appointment in Tallahassee to speak with them about the lead containments. She then showed a map of the United States on the doc cam that showed the concentration of lead. She stated that each year there is one to five tons of lead deposited over the Vero Beach area, which is 20 to 30 pounds each day. She said this is an issue that needs to be addressed. She said this was only one angle that they have. They also have some developmental impacts that the Airport has. She said there are a lot of legal issues that they have uncovered that they would like to discuss with the Council.

Mrs. Carroll said that she met with members of the public on some related issues at the Airport and they stated that as of now, they do not have a written agenda for the Special Call meeting.

Ms. Wood said that was correct. She said that they would be meeting with National Figures on this and they would be incorporating information that they receive from them.

Mrs. Carroll would rather wait to approve a meeting until she knows what is going to be discussed so she can adequately prepare. She felt uncomfortable approving a meeting without an agenda.

Ms. Wood said that she could write an agenda for Council.

Mrs. Carroll mentioned that Ms. Wood said there were a number of angles they would be looking at. She asked what is their ultimate goal.

Ms. Wood said that they all probably have their own objectives on this subject. She said that their objectives are not to close the Airport.

Mrs. Carroll said that is her problem with scheduling a meeting. She doesn't have an agenda, she doesn't know what they were going to talk about and she doesn't know what their goals are.

Ms. Wood said the agenda is that they want to make sure that they have a safe community for the citizens. She felt that everyone on her Committee has different aspects that are important to them. These are concerns of citizens and their quality of life. She said there is the issue with lead and the issue of how commercial space is leased and operated and how it affects other places that want to start businesses. She said it is like the Airport has a corner on the market. The goal is that everyone is treated fairly and that everyone is safe. She said they were not going to pull a rabbit out of the hat. They have been up front with everything they have done.

Mr. Fletcher said about 10 or 12 years ago Ms. Wood came before Council with some noise issues. The City Council initiated a Part 150 Noise Study, which showed that the decibel levels were within the EPA range. Now 10 years later this is coming up again. He said the noise abatement has already been solved and they are well within the legal limits. He said the reason they have an Airport Commission is so that people can go before them. The Airport Commission is made up of people who have a specialized background. They are a Commission that is appointed to come to Council if they have a problem that they think the City Council needs to know about. The Chairman of the Airport Commission and the Airport Director are present for today's meeting and he would like to hear from them before Council schedules a Special Call meeting.

Mrs. Turner asked Ms. Wood if they went before the Airport Commission.

Ms. Wood said that she tried to get appointed to the Airport Commission but there never seems to be an opening for her or anyone else. She said that they do not see them as a viable Commission. She said that as far as she knows everyone on the Airport Commission has financial ties to the Airport and to aviation.

Mr. Fletcher said that was not true.

Ms. Wood said that the issue they are addressing now is not noise.

Mrs. Turner asked if they discussed the lead issue with the Airport Commission.

Ms. Wood answered yes. She said that when they were at a Treasure Coast Regional Planning Council they asked Mrs. Barbara Drndak, Chairman of the Airport Commission, about the lead issue and she said there was nothing to worry about because it dissipates.

Mrs. Carroll asked Mrs. Drndak is it possible that the Airport Commission would allow these citizens to present their information at the next Airport Commission meeting.

Mrs. Drndak said that they always have public comment, but they hardly have anyone attend their meetings. She said that they could also hold a Special Call meeting. She said the lead issue is in the hands of the EPA, who are currently testing at numerous airports and their ruling would come out in about 18 months. Once they have established a ruling, they will have to work with the FAA. She said a lot of the lead that is currently in the soil was deposited there when automobiles had lead in the fuel or from leaded house paint.

Mrs. Carroll suggested that Council hold off on setting a Special Call meeting until the members from the public present their information to the Airport Commission and then they can present the information to Council.

Mr. Fletcher felt that it would be unrealistic to hold a meeting now. This is not in the Council's hands. It is a Federal issue. There is nothing that Council can do.

Mayor Kramer said that he was not aware of the EPA study when this issue was brought to him.

Mrs. Drndak said the EPA is currently conducting studies to make a determination. She said that there is an Airport Commission meeting scheduled for January 21, 2011.

Mrs. Carroll asked Ms. Wood to present her information to the Airport Commission at their January meeting.

Mrs. Turner agreed with Mrs. Carroll that they should first meet with the Airport Commission.

Ms. Wood said that she would be happy to present this to the Airport Commission. She reiterated that their issue at this point is not noise. It is a safety issue on the amount of lead in aviation fuel.

Mr. Kenneth Bennett stated that the reason they came to this meeting today was for reaffirmation of a Special Call City Council meeting. He said that he attended an Airport

Commission meeting and was ignored. He said that they are all pilots. He said that there were more issues than lead and noise at the Airport. He said all they were asking for was a date in March for a Special Call City Council meeting.

Mayor Kramer realized that the previous City Council gave them a date for a Special Call meeting. He did not want to say no to this, but there is information that Council needs, especially from the EPA. He said that he would be attending the January 21st Airport Commission meeting and he would hope that the other Councilmembers would also attend. He felt that if they had a vote for a Special Call meeting it would probably fail. He said that he really would like to know more about the lead issue.

Ms. Wood said that she could give Council any information that they request. She said that in their view the Airport Commission meeting would not be an open meeting.

Mr. Heady said that if they meet with the Airport Commission on January 21, 2010, the next Council meeting would be on February 1, 2010 and there is plenty of time to schedule a Special Call meeting.

At this time, Council discussed items 9B-3) and 9B-6) together.

9B-3) Discussion of the meetings with FP&L held during last week individually with each Councilmember – Requested by Councilmember Carroll

9B-6) FP&L Report/vote to continue? – Requested by Councilmember Heady

Mrs. Amy Brunjes, FP&L External Affairs Manager, reported that FP&L would like to continue discussions on the potential acquisition and operation of the electric system. She said that if the City is also interested, there are some simultaneous next steps that would need Council's approval.

Mrs. Carroll said that four of the Councilmembers met with various FP&L officials (Ms. Pamela Rausch, Vice President of External Affairs; Sam Forest, Vice President of Energy Market and Trading; and Mrs. Brunjes) last week. She reported that Mr. Forest manages the nuclear and wholesale power for the State of Florida and in 2007 worked on the bid for the City's wholesale power, which was rejected when the City went with the OUC contract. She said that Mr. Forest believes that the City could not sell the contract back to FP&L because of IRS rules. The goal of FP&L is to purchase the City's system and take over the collection and billing. She said that the FMPA generation entitlements would need to be assigned or sold to another municipality. One of the issues FP&L has with the Power Plant is that they do not need it and believe that it could be decommissioned or dismantled. FP&L has excess capacity within their statewide system so they are more than capable of absorbing the City's customers. FP&L's next step is to start the due diligence process. She said that FP&L did state that a contract could be available before the summer if everything falls in line. She made a motion that Council allow FP&L to begin their due diligence and analysis. Mr. Heady seconded the motion and it passed unanimously.

Mrs. Carroll said that she met with them a second time later the same day following a meeting where one member of the Council asked the Press to sit in on their meeting. She said that the FP&L officials wanted Council to know that they would have preferred to have a heads up that the Press was going to attend the meeting. She said that they thought this was a private meeting to get to know the Councilmembers.

Mr. Fletcher said that is the reason not to have private meetings. He said the heads up would be that all the meetings would be in the public.

Mrs. Carroll asked Mr. Fletcher to remember that the City asked FP&L to come here.

Mrs. Brunjes said it was not FP&L's goal to have private meetings, but because of the Sunshine Law they knew this was the only way they could speak to Councilmembers. She said that technically they did not need this approval today, but they wanted the next steps to come forth publically. She said that they wanted to bring the new Councilmembers up to speed rather than them relying on the word being passed down from a previous Council.

Mrs. Carroll said as Council's liaison to work with FP&L, she personally does not want anything to stand in the way of them moving forward with this contract. She and many of the Councilmembers have said that they are for taking a look at this and see what FP&L can offer. She thanked Mrs. Brunjes for attending today's meeting.

Mr. Heady clarified that what Council did was make Mrs. Carroll the point-person for FP&L so that things could go through Mrs. Carroll. But, her characterization that she was the one to be the negotiator with FP&L was not the intent. The intent was to have a Councilmember be a point-person. He said that Mrs. Brunjes' meeting with him was pleasant and there was no Press in attendance.

Mrs. Brunjes said that they were not expecting to have an impromptu meeting with the Press. She said that they did not have anything to hide, they were just taken back.

Mr. Heady understood Mr. Fletcher's position with respect to meeting with FP&L.

Mr. Ken Daige suggested that when they meet with FP&L or anyone else that they have the City Clerk's office tape the meetings. As they move forward with FP&L it is extremely important that they do this right. He felt that for their own protection, they should have someone recording the minutes. This way no one can deny what was said or not said.

2) Using utility bill mailing for the promotion of non-profit community based services – Requested by Mayor Kramer

Mayor Kramer said that last year he had the opportunity to work with the United Way as a volunteer on their Income Tax Assistance Program. The volunteers were trained by the IRS and they did a number of people's taxes and were able to bring back over \$800,000 into the community. He said that they were going to be doing this again this year and are advertising their services. They are free to the public. One of the ideas they came up

with was to put an insert into the utility bills. He said the cost of a full page ad would be about \$1,800 to \$1,900. However, this does have some competing affects with local businesses that do tax preparation. He asked for Council's support on this as it does bring money back into the community.

Mrs. Turner commended Mayor Kramer for his efforts. However, she did not want to use the City's utility bills for promoting non-profit organizations.

Mr. Fletcher said that he is deeply involved with the Salvation Army and he would want to be able to have that privilege himself. He was worried that every month they would be expected to showcase some group and therefore he also was worried about doing this.

Mrs. Carroll asked has this been done before.

Mr. Lee said many years ago the City had a Public Relations Officer that produced "The Current," which had information on City business. He said that there were no advertisements in The Current. He said that in the past the only thing they included in the utility bills was City related business, such as water quality reports, hurricane information, etc. He said this is an opportunity if Council wishes to explore it, but there are some problems associated with it. He explained that one problem would be that the utility bill has a specific weight and if they choose to insert something it should not increase the weight because it would then increase the postage.

Mayor Kramer said that he would bring this back up under his matters on how much they bring back into the community.

3) Discussion of the meetings with FP&L held during last week individually with each Councilmember – Requested by Councilmember Carroll

This item was discussed earlier in the meeting.

4) Required documentation form for Councilmembers to add agenda items to Council meetings – Requested by Councilmember Carroll

Mrs. Carroll said that she has a problem with the additions to the agenda. She explained that there were a number of items listed under New Business, which may have been Old Business because they have been discussed by this Council numerous times. She asked the City Attorney, what is the difference between Old Business and New Business.

Mr. Vitunac said generally if it has been discussed and not resolved the City Clerk would place it under Old Business. If it was discussed some time ago then it would be placed under New Business. If the item is not in the correct place on the agenda then Council has the choice of moving the item to the correct place. He said there is no hard and fast definition.

Mrs. Carroll said that her proposal is in order to provide accurate documentation for addendums to the agenda, is to provide a form to be used by Councilmembers. This form would include a title, summary, what the public needs or issue the item addresses, any relevance City Charter, Code, references or legal finding on the issue, any dates of past decisions by past Council relevant to the issue, a statement of the proposed resolution and any attached documentation (form on file in the City Clerk's office). She felt that this would provide her, as a Councilmember, more adequate information in order to come to the meetings prepared. She said that there were 16 items listed under New Business on today's meeting agenda in which some of them she did not know what they were going to discuss. She felt that by Council using the form she is proposing, it would provide her the capability of doing some research on the issues prior to the Council meeting. She said that the proposal was to require Councilmembers to provide at least a one page document to add items to the agenda.

Mr. Fletcher said if that was a motion, he would second it.

Mayor Kramer had a problem with the word "required." He said that they discussed this before that they could add items to the agenda, but if there is a lack of backup or if a Councilmember believes that they don't have enough information to make a reasonable decision, that they would discuss it, but not make a policy change or a motion. He liked the idea of having more information prior to their meetings, but he did not want it to be seen as something that prevents a Councilmember from placing an item on the agenda.

Mrs. Carroll said if it is not required some Councilmembers might not do it.

Mayor Kramer asked would it be okay to amend the motion as a recommendation. He felt that this was a good idea and he would probably do it.

Mrs. Carroll said that she used this form for her items on today's agenda. One of the items was the discussion of the FP&L meeting. At the date the information was required to be in for the agenda, she did not know what they were going to discuss (referring to the meeting with FP&L Officials because the meeting was scheduled after the deadline for the agenda items). So therefore, there may be situations where Councilmembers do not have enough information, but they could provide what they have.

Mr. Heady said that Mrs. Carroll just pointed out exactly the problem. There are things that come up where they don't have the information at the time of the agenda deadline. He said that if this form was a requirement then the FP&L meetings would not be allowed on the agenda. He said that it seemed like they were going down the same road that the previous Council did by spending more time trying to stop him from talking then he actually talked. He said that he had items that he wanted to add to the agenda and then referred to one of the items today stating that there were 11 pages, which they would need to make five copies and there were over 400 Ordinances and laws referred to. He said that he would spend a week just looking into reading everything. He said this is a Council meeting and if they want to discuss something, then put it on the agenda. That doesn't mean they were going to take action on it. He felt that this was more obstruction

and they don't need this. If a Councilmember wants to put something on the agenda then let them put it on the agenda.

Mr. Fletcher said that they were not trying to stop anyone from talking. They were trying to inform the public about what the subject would be so they would have reasonable time to react to it and respond to it at a Council meeting.

Mrs. Turner said that she would support the use of this form so that she would become better prepared to address the issue at the meeting.

Mayor Kramer said that his request is that they amend the motion so that it is not required, but it is a recommendation. He did not want to see this as a possible tool down the road to stop something from being placed on the agenda.

Mr. Fletcher asked if they would entertain a change of the wording in the motion to "a proposed" or "a standing policy."

Mayor Kramer said that he did not want it to be used as a barrier.

Mr. Fletcher said as a policy it would not be a barrier.

Mr. Heady said policy would make it policy. As he understood it, the Mayor's recommendation is to ask Councilmembers to follow the form if possible. It is not a requirement and it is not a policy.

Mrs. Carroll would not agree to modifying her original motion.

Mr. Fletcher said that he would still second her original motion.

Mr. Heady made a motion to amend the motion to a recommendation and not a requirement. Mayor Kramer seconded the motion.

The amended motion failed 3-2 with Mrs. Carroll, Mr. Fletcher and Mrs. Turner voting no.

The original motion to make the form a requirement passed 3-2 with Mr. Heady and Mayor Kramer voting no.

5) Resolution to Create a Youth Advisory Board – Requested by Councilmember Carroll

Mrs. Carroll requested that this item be tabled and discussed at their December 21st workshop.

6) FP&L Report/vote to continue? – Requested by Councilmember Heady

This item was discussed earlier in the meeting.

7) Support of Debbie Mayfield PSC oversight legislation – Requested by Councilmember Heady

Mr. Heady wanted to support Representative Debbie Mayfield on the Public Service Commission (PSC) oversight legislation.

Mrs. Carroll mentioned that at the Legislative Delegation meeting held last Friday, they voted on moving that forward.

Mr. Heady made a motion that they support Representative Mayfield's Legislation.

Mr. Fletcher mentioned that he supported it privately.

Mayor Kramer said that he met with Representative Mayfield and applauded her efforts in keeping local issues local. He said that he was not enthusiastic about bringing PSC into the area, however he realized that there was a lack of recognition for the individuals in the County who don't have a voice on this issue.

The motion died for lack of a second.

8) Discussion of Crew opportunities at Riverside Park – Requested by Councilmember Heady

Mr. Heady said that there was an individual who would like to bring crew availability (rowing club) to the community. He said that they would be spending their own money. He included a document in the backup material, which showed that Sarasota County has targeted five million dollars in tax money to help with a boat house. In Vero Beach there is an individual who wants to use private money to put a boat house at a City Park. He said another City in Florida is spending tax dollars and are talking that the "crew" would draw 100,000 people to their community and have an economic impact of \$43 million dollars. He did not think it would have that kind of economic opportunity or impact for Vero Beach, but he would like to give them approval by Council. He said that if Council encourages them to do this, they would bring it before the Recreation Commission and then back to Council. He is asking that Council support their efforts.

Mrs. Carroll said this organization has already gone before the Recreation Commission in tandem with the youth sailing organization. She felt that as Council, they should take a step back from this. She explained that it was her understanding that a map of long term planning of the Marina through the Riverside Park area was being looked at.

Mr. Falls said to his knowledge there is no formal approved Master Plan of the area, which would show future uses of the land. He said that Mr. Tim Grabenbauer, Marina Director, has some conceptual plans for the riverfront, but he was not sure if the plans

have been brought before the Marine Commission. He said that he would do some research and bring the information back to Council.

Mrs. Carroll said that she would like to see the Marine Commission and the Recreation Commission work with Mr. Grabenbauer to come up with some type of Master Plan for the area. She said that there are areas throughout the Country that have waterfront facilities in Parks that the City could model after. She felt that if a facility is built that they could be shared by other organizations. She asked that the Marine Commission, Recreation Commission, and Marina Director work on a Master Plan before Council “gives away” the Park.

Mr. Heady said that no one was asking anyone to give away anything. They (the rowing crew) were asking for Council’s support that if they can make this work that they would like to see the opportunity in this community. He said that no one was giving anything away or were asking for final approval on anything.

Mayor Kramer said that he would like to see them keep moving on this.

Mr. Fletcher asked have they gone before the Recreation Commission or the Marine Commission.

Mrs. Carroll said that they have gone before the Recreation Commission, but at the time they were together with the sailing crew.

Mr. Fletcher agreed with Mrs. Carroll that the Recreation Commission and Marine Commission should present this to Council rather than an individual.

Mrs. Carroll asked that Mr. Falls instruct the Marina Director to begin the initiation on what it would take to begin a Master Plan for the Marina and Park. She said there were a lot of things they could do with that area.

Mrs. Vock asked Mrs. Carroll if she wanted her to schedule a Joint Recreation and Marine Commission meeting.

Mrs. Carroll felt that Mr. Falls would need to meet with the Marina Director first.

9) Restoration of old Dodgertown Golf Course – Requested by Councilmember Heady

Mr. Heady reported that at yesterday’s Recreation Commission meeting, they voted to send a recommendation to Council that they not interfere with the negotiations with MiLB. He said that the Commission claimed that if they delay this, the ball fields would be put in jeopardy. He said the restoration of the old golf course is that Mr. M.J. Wicker sees the writing on the wall and is not going to be allowed to do it. Mr. Heady felt that it was a shame that the City was going to forego an opportunity to have investor dollars

come in to restore a historical site (golf course). Instead they are going to bulldoze that and allow MiLB to utilize the property.

Mr. Craig Callan, of MiLB, said he read that Mr. Wicker did not have the financial backing to do it. It is not being railroaded or pushed off to the side.

Mr. Wicker said that he never offered a proposal to the previous City Council. He said the only thing he did was give them a letter requesting the intent of the Council on what they wanted to do with the property and if they were interested in the opportunity to reopen the golf course and what it would require. He said this all began in February of this year when his cousin was visiting and asked what it would take to reopen the golf course. Mr. Wicker said that he met with the previous City Manager, Mr. Jim Gabbard, who mentioned to him that it was possible to rent the course for one dollar a month. Mr. Wicker reported this information to his cousin, who said that he was interested. Then they visited with some people who had some investment dollars who were interested in pursuing this. Mr. Wicker said in the letter they asked what would be the terms of the lease, what kind of improvements they would like to see done to the property, for an opportunity to inspect the irrigation system, etc. Then Mr. Gabbard and the Council started discussing the concerns of MiLB. He said that about one month ago Council approved MiLB's desire to put in baseball fields. He said that he contacted his cousin who is still very interested in restoring the golf course. He assured Council that there were a lot of people in the community who would love to see the golf course restored. He said that during yesterday's Recreation Commission meeting, the Mayor indicated that there would be some monetary requests as far as running the property. He felt that there would be four or five holes left on the property and there is the possibility of putting a driving range there (after the ball fields are complete). He said that they also have the possibility to have a pitch and putt area there. He said that he is a motivational speaker and he saw the golf course as a platform to get the schools and the children involved in golf and other activities that he felt could happen there, such as concerts, screen on the green, etc., in order to get the community involved. He said that he spoke with Mr. Callan earlier today and he hoped that he would take advantage of his talents and gifts. He said that he really would like to be involved in MiLB's attempt to further their business and to see them become more involved in the community in offering their children a means of recreating, as well as being entertained. He appreciated Council's time and asked them to call on him anytime that he could be of service in helping the community and children.

Mayor Kramer thanked Mr. Wicker for standing up and chasing his dream.

10) Sports Village – Requested by Councilmember Heady

Mr. Heady said that they have had numerous City Council meetings in which MiLB has requested use of one-third of the golf course. Their current proposal is to take the property that the City owns and trade it for property that the City controls, which did not make sense to him. He said that the City would not be gaining anything, but giving up something. He said at prior meetings he asked MiLB if there was some financial analysis

of what the benefit to the community was and he did not receive anything. He asked what is the cost going to be for the clover leaf piece of property and the only answer he received was that Mr. Callan had sticker shock. There were no dollar amounts given to him (Mr. Heady) as to what this was going to cost the taxpayers and the taxpayers are indeed paying for the development of this piece of property. He said therefore, they have approval of doing something in which there is no financial analysis, in which the taxpayers have some undisclosed amount. At a prior Council meeting he asked if any Councilmember knew what the amount was and the only answer he received was from former Councilmember Daige who stated that it was in the public records. He said that no one would give him the dollar amount. He felt that this current Council ran for election on a platform of financial analysis and accountability and he has seen zero financial analysis as to how this is going to benefit the taxpayers who are going to spend an unknown amount of money. He said that he and his wife volunteer their time and they recently volunteered to work at the Harvest Festival, which was held at MiLB. During that event Mr. Callan verbally attacked him. There was a lot of yelling from Mr. Callan to the point that it scared his wife and granddaughter. This kind of attack is unwarranted and no elected official should be subjected to or required to put up with that kind of attack. Several spectators of this went up to the Vero Beach Police Officer and as Mr. Callan was leaving the Officer approached them and stayed there until he was assured that no more confrontation was going to occur. Mr. Heady said that he was then and is still concerned about these kinds of verbal attacks and asked that this Council support that any Councilmember who is attacked to have the availability to go to the City Attorney and request a restraining order.

Mayor Kramer said that if they do not do the land swap, the cost would be about \$35,000 a year because they would have to mitigate drainage on the west side of the property.

Mr. Heady disagreed.

Mayor Kramer asked where would they have the drainage.

Mr. Heady said the drainage for a road does not tie into the agreement to swap the land. There has been a drainage concern with respect to the widening of some of the roads. But, that drainage concern is a concern without the development of the clover leaf piece of property. He said they were two separate issues. The dollar amount Mayor Kramer was speaking of was not the dollar amount he was talking about. He was talking about the dollar amount that the taxpayers would be on the hook for the development of the fields. He said that the City currently gives MiLB the hotel, conference center, stadium, fields, etc., for one dollar per year. He said that they are told that this brings tremendous employment benefit to the community and yet they see Indian River County has one of the highest unemployment rates in the community. He felt that the taxpayers have had enough and he did not see giving MiLB a blank check. When he previously asked Mr. Callan what is the cost the only response he received was that he (Mr. Callan) has sticker shock and yet the Council at that time voted to go ahead with this regardless of the cost. He said this is not the kind of financial analysis that he would like to see from this Council. He would like to see the cost and the benefit so that they know whether or not

there is a benefit to the community. These are the numbers that he is concerned about. The pond mitigation is a different issue.

Mrs. Carroll asked that they try to stay in answering the questions being asked.

Mr. Falls referred to an aerial of the property shown on the screen (on file in the City Clerk's office). He said that if the clover leaf is not constructed in the location that is shown in yellow, they would have to be constructed to the far east on top of an existing practice field and the vacant area between that field and the main relief canal. If the fields are not constructed where they are shown in yellow, the City would lose that pond site. The only other ponds sites in the immediate area are private parcels that would need to be purchased or some Airport land to the north of Aviation Boulevard, which has a leasable value of about \$35,000 a year. That is the \$35,000 figure that the Mayor referred to.

Mrs. Carroll said that she made some telephone calls to people in this community and other communities who are involved in girl's sports. One person that she spoke to had a daughter who is on a girls youth softball travel team. He estimated that the events that they go to have an average of about 25 teams from around the State with about 15 players, which would be about 375 families attending one of these tournaments. The average stay is two nights at a local hotel. If the average cost for a hotel room was \$125, that would have an impact of \$250 per family plus meals. If only two-thirds of the families stayed in a local hotel, that would be about 250 families at \$500, which would be an impact of the tournament to this community of \$125,000. If five tournaments occur each year, that would be another \$625,000 to the local economy. If ten tournaments occur each year, that would be one point two five million dollars. She felt this was a good return on their investment in their community.

Mrs. Turner said MiLB also takes care of the maintenance of the facilities. Without success of the MiLB, the City would be paying over \$150,000 each month to maintain that area. Therefore, they were talking about good use of taxpayers' money.

Mrs. Carroll said that they have a recommendation from the Recreation Commission to move forward with this. She made a motion to move forward with this based on the Recreation Commission's recommendation. Mr. Fletcher seconded the motion.

Mr. Heady asked is there any Councilmember that can tell him the cost of construction of the fields.

Mrs. Carroll felt that the cost would be borne by the private entity (MiLB), not by any City resident. She said it is County money, not City money.

Mr. Heady said that they are part of the County. He again asked is there any Councilmember who knows what the taxpayer cost for the fields would be.

Mayor Kramer said that he would like to hear from the audience.

Mr. Heady said that is fine and they could get those numbers, but his point is that he can't get any dollar amount from a Councilmember. He said that they passed earlier that a Councilmember has to have all these things lined up before they can place anything on the agenda and this is something on the agenda where the Councilmember who required this doesn't have any financial analysis or any numbers submitted to Council and who doesn't know what the dollar amount is going to be that the taxpayers are going to spend.

Mayor Kramer said that exceeds the scope of the City Council. That goes into the County and the City does not have any control over that.

Mr. Heady said it is only by the City's agreement in the land swap that these monies are going to be spent on what is now City property. If Council is going to agree to this then they should know what tax dollars are going to be spent.

Mayor Kramer asked Mr. Heady, as a taxpayer, has he made an appeal to the County Commission.

Mr. Heady said as an elected official for the City of Vero Beach, he has a financial responsibility to the City taxpayers, who are also County taxpayers. Before he makes a decision that is going to cost them money, he would like to know what dollar amount they are talking about.

Mr. Tom Calucci, (spelling may be incorrect) Executer of the Treasure Coast Sports Commission, approached Council. He said that they are one of 21 Regional Sports Commissions in the State of Florida. He said that they are charged with bringing tournaments and amateur sports to Indian River, Martin and St. Lucie Counties. He said the cost of the fields would depend on who builds them. If the government builds them it would cost two point five million dollars. If someone else builds them it would cost one point three million dollars. He said regarding tournament play, they held a girls softball tournament in Indian River County in July of this year with 67 teams. They reported 958 room nights with \$470,000 and \$539,000 of economic impact. He said that they have been in existence for 11 years and they are here to help with whatever the City needs help with. He said that this is something that will be important to this community. It is a sports destination and it will bring in tourism. It is a hot button in the State of Florida and is bringing visitors to the area. He said that this is the best form of economic development that they could ask for and MiLB is willing to endorse this.

Mr. Pat O'Connor, President and CEO of MiLB, said that MiLB was invited here to help solve the problem of the Dodgertown facility. He said that he was an intern at Dodgertown in 1981. He said that when this started, no one was more passionate about the value of the golf course than he was. He said that it was MiLB's preference that the golf course be restored in its original shape. In the event that was not going to happen, they would expand their business model by age and gender. He said to think that they are trying to steamroll or kill the Dodgertown golf club concept is inaccurate. He said that they have not gone through formal bids yet, but they have gone out and sought people to give them an idea of the cost and it is going to cost about one point two five million

dollars. That money is not coming from City coffers. That money would come from the lease agreement that they have with the County. At the time they signed the lease, the County committed to do certain improvements. When they examined their model, they understood that they needed more to entertain the kind of events that Mr. Calucci spoke about. So they approached the County and talked about exchanging things within the lease, such as instead of having four fields with lights they would have two fields with lights and allocate that money for something else.

Mayor Kramer asked Mr. O'Connor if he was stating that money was allocated to them at the time of the lease.

Mr. O'Connor said there was not a dollar amount, but there was a commitment in the lease to do certain things.

Mayor Kramer said if they didn't get the land, would they still be getting money from the County.

Mr. O'Connor answered yes. He said that the County is committed and there is no question of their responsibility to MiLB. He said that the lights cost about \$900,000 and the County is committed to that.

Mayor Kramer said then irregardless to what they do with the land, they could not stop the money coming from Indian River County.

Mr. O'Connor said that was correct.

Mr. Fletcher asked Council to keep in mind that if they don't get this, it is going to cost the City \$35,000 per year which is \$350,000 for ten years, because they have to have the retention pond somewhere else.

Mr. O'Connor understood Mr. Heady's position. He said that if they want to set the clock back they will set the clock back. If the Council does not want to do the deal then don't do it. He said there are three things that will happen, which were they would spend the money the County gives them ineffectively, but will spend it to increase their model as much as they can or they will convert field six in dry retention to a clover leaf and spend the money what they think is more effectively or they would get consumed in delays and they will bleed to death financially and leave town. He said that he was not threatening anyone, but that is the reality of where they are. They have been patient in this process for over a year. He said that he was at the point now where he is less concerned on what Council does as to when they do it.

Mr. Jerry Smith said that he is a coach in New York and he also has a small business that constructs community running trails. He said that he looked at the golf course as he always looks at golf courses with the prospective of what a marvelous place to run if you don't play golf. He said that he sees people all over this community running on concrete. He felt that there was a great opportunity to turn the golf course into a cross country

facility. He said that they have one in Utica, New York and the finish line is in the middle of a baseball clover leaf. He said rather than take away from baseball, they could incorporate a running area and retention pond into the golf course. He said that they could also have mountain biking. He said this would not replace baseball, but it would replace golf.

Mr. Dick Yemm, Chairman of the Vero Beach Recreation Commission, reported that the Commission fully endorses the use and development of the clover leaf piece of property. He felt that from the City's standpoint, the opportunity will be there to utilize these fields even beyond the 10 scheduled events.

Mr. Falls said that the City received documents from the County this week. Their intent was to have all the documentation completed before the December 21st City Council meeting.

Mayor Kramer thought that Council decided to have a workshop meeting on December 21st and not an actionable meeting.

Mr. Vitunac explained that workshops are meetings of the City Council. He said that they would have a meeting of the Council for one or two items and then they would adjourn to a workshop.

Mayor Kramer said that he would like to see if they could go to a County Commission meeting and ask them if the \$800,000 is an issue.

Mr. Vitunac said the County is obligated to spend a lot of money.

Mr. Heady asked how much is a lot of money.

Mr. O'Connor answered about \$2.2 million dollars.

Mr. Heady said then the County is on the hook to spend \$2.2 million dollars as they speak today.

Mr. O'Connor said that is correct. He said that in the lease the money is to be used for the lighting.

Mr. Heady said nowhere in the lease agreement is there a dollar amount that specifies \$2.2 million dollars.

Mr. O'Connor said that is correct.

Mayor Kramer asked do they want to hear this on December 21st or the following meeting.

Mr. Vitunac said that their regular Council meeting was scheduled for December 21st and Council can have that meeting with a short agenda and then switch the meeting to a workshop where no further motions would be taken.

Mrs. Carroll asked can a Councilmember call in on the speaker phone and vote if they are out of town.

Mr. Vitunac said that they could participate by phone, but cannot vote.

Mr. Fletcher said that he would change his plans so that he could be present for the December 21st meeting.

Mrs. Carroll said that she had made a motion to approve the land swap. She asked was that premature based on the fact that she did not know the final documentation was not available yet.

Mr. Vitunac said that what they want is permission to go ahead and prepare all the necessary documents for the land swap.

Mrs. Carroll amended her motion to give staff permission to prepare all the necessary documents for the land swap. Mr. Fletcher seconded the amended motion and it passed 4-1 with Mr. Heady voting no.

11) Parking possibilities in downtown – Requested by Councilmember Heady

Mr. Heady recalled that he took some photos that showed how they could resolve some parking problems downtown. He said that this would probably require the City Manager to approach the State to get permission.

Mayor Kramer would entertain that they do this additional street parking on some of the side streets in between the Twin Pairs.

Mr. Heady felt by doing it on the Twin Pairs it would have a somewhat calming effect on the fast traffic that moves through this area.

Mr. Falls stated that he would do some research in finding out how many parking spaces could be gained by doing this and will bring it back to Council.

12) Request for Special Call meeting for Airport issues – Requested by Councilmember Heady

This item was discussed earlier in the meeting.

13) Support of League of Cities legislation “The Consultants Competitive Negotiation Act” – Requested by Councilmember Heady

Mr. Heady was in favor of supporting the League of Cities legislation on the Consultants Competitive Negotiation Act.

Mr. Fletcher asked the Clerk to provide Council with the different Florida League of Cities Committees that they could serve on.

Mr. Heady made a motion to support the League of Cities legislation/resolution on the Consultants Competitive Negotiation Act. Mr. Fletcher seconded the motion and it passed unanimously.

14) Discussion of reception area City Hall – Requested by Councilmember Heady

Mrs. Vock and Mr. Falls would look into ways of making it easier for people coming into City Hall to find the Departments that they need to go to.

15) Update on restriction for vehicles allowed in residential neighborhoods – Requested by Councilmember Heady

Mr. Heady suggested updating the restrictions on vehicles allowed in residential neighborhoods to accommodate the weight limit for some of the SUV's and big trucks.

Mayor Kramer said it was his understanding that the newer vehicles that are heavier are more geared toward passengers rather than work related vehicles.

Mr. McGarry said that the Ordinance does need to be revised. He said that staff is using discretion on this and are normally only targeting commercial vehicles. He felt that the intent was to keep residential neighborhoods residential. He said that they would start looking at changes to the Ordinance.

16) Discussion on noise regulations near residential neighborhoods – Requested by Councilmember Heady

Mr. Heady commented that he has received several complaints from people complaining about the noise coming from Joey's Bistro and Riverside Café.

Mr. McGarry was not aware that there were any complaints about Riverside Café. However, he has been working with the owner of Joey's Bistro on the noise complaints that they continuously receive.

10. INDIVIDUAL COUNCILMEMBERS' MATTERS

- A. Mayor Jay Kramer's Matters**
 - 1. Correspondence**
 - 2. Committee Reports**

Mayor Kramer reported that he attended the Tree Lighting ceremony, boat parade and the Oceanside Christmas parade.

Mayor Kramer noted that he received an invitation from APPA on a conference that they are having in Washington in February and they pay for one Councilmember to attend. Both Mr. Fletcher and Mr. Heady showed an interest in attending the conference.

3. Comments

B. Vice Mayor Pilar Turner's Matters

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

C. Councilmember Tracy Carroll's Matters

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

D. Councilmember Brian Heady's Matters

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

Mr. Heady complimented the Police Department on a really fine job that they did in handling the traffic at the parade last Saturday night.

E. Councilmember Craig Fletcher's Matters

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

11. ADJOURNMENT

Mayor Kramer made a motion to adjourn today's meeting at 2:06 p.m. Mrs. Turner seconded the motion and it passed unanimously.

/tv