

**CITY OF VERO BEACH, FLORIDA
MAY 3, 2022 9:00 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Pastor Larry Boan of Central Assembly of God.

PRESENT: Robbie Brackett, Mayor; present, Rey Neville, Vice Mayor; excused absence, Honey Minuse, Councilmember; present, Bob McCabe, Councilmember; present and John Cotugno, Councilmember; present **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. McCabe led the Council and the audience in the Pledge of Allegiance to the flag.

B. Roll Call

The City Clerk performed the roll call.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – April 19, 2022

Mr. McCabe made a motion to approve the minutes. Mrs. Minuse seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

The City Clerk requested that item 4B-3) be added to the agenda, which is a Resolution for a Florida Inland Navigation District (F.I.N.D.) Grant application for the rebuild of the Marina's South Complex.

Mr. Monte Falls, City Manager, requested that item 9-A) Lease of Seaside Grill be moved up on the agenda and heard after the consent agenda has been adopted. He also asked that item 6A-1) discussion of USTA Florida be heard after item 9-A).

Mr. John Turner, City Attorney, stated that he would be discussing an item under his matters.

Mr. McCabe made a motion to adopt the agenda as amended. Mr. Cotugno seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1. Mental Health Awareness Month – May 2022

Mrs. Minuse read and presented the Proclamation.

2. National Police Week – May 15-21, 2022

Mr. Cotugno read and presented the Proclamation.

3. Veterans of Indian River County Golf Tournament/June 18, 2022 – Curtis Paulisin

Mr. Curtis Paulisin was not at today's meeting.

Mayor Brackett invited the public to attend the annual Veterans of Indian River County Golf Tournament to be held on June 18, 2022.

3. CONSENT AGENDA (include amount of expense)

- A) Quarterly Price Adjustment – Contract 114-2021 Sulfuric Acid Annual Supply Contract (Shrieve Chemical Company) estimated annual expenditure (\$300,000)**
- B) Veterans Memorial Island Bridge Repairs (\$123,000) Final Payment for Contract 92-2021 PW Project No. 2019-04**
- C) Recommendation of Award Janitorial Services**

Mr. McCabe made a motion to adopt the consent agenda. Mr. Cotugno seconded the motion and it passed unanimously.

Item Moved Up on the Agenda - 9-B) Lease of Seaside Grill Restaurant Request for Proposals (RFP) – Evaluation Committee Ranking and Recommendation

Mr. Falls reported that the people operating Seaside Grill are retiring so a Request for Proposal (RFP) for the lease of the Seaside Grill restaurant was put out and a site visit took place of interested people wanting to lease the Seaside Grill. There were seven (7) proposals submitted in response to the RFP. The RFP Evaluation Committee consisting of the Finance Director, the Planning and Development Director and the Recreation Director and met and interviewed the three (3) firms and then conducted a public meeting to discuss and rank the firms that had been interviewed. The final ranking and recommendation of the three (3) firms interviewed by the Evaluation Committee is 1) GC Ventures; 2) M&M Florida Juice; and 3) Oceanside Restaurant Group. He recommended that the City Council select GC Ventures as the highest ranked qualified firm, as recommended by the RFP

Evaluation Committee and direct the City Manager to negotiate a lease on Council's behalf and place the negotiated lease on a subsequent City Council agenda for approval.

Mrs. Minuse agreed with moving ahead.

Mr. Falls expressed that all three (3) proposals were good. The top two (2) proposals were similar to how the establishment is being run today. They are under 2,500 square feet and have a moderately priced menu. There was an extensive proposal from Oceanside Restaurant Group, which included an upscale restaurant and it would require a referendum to allow the Park space for this use. They also would need to add 50 additional parking spaces. He recommended to Council that they negotiate the lease with GC Ventures.

Mr. Cotugno asked if any local people submitted proposals.

Mr. Falls said there were two (2) local people that submitted proposals and one (1) person that was out of town.

Mr. Cotugno asked if there was any preference given in their points from the Committee if they were local as opposed to being out of town.

Mr. Falls did not think that was considered in the point evaluation.

Mr. McCabe expressed how nice it would be if the establishment served ice cream.

Mr. Falls expressed that a food truck would be provided while the renovation of the restaurant takes place.

Mr. McCabe made a motion to give the City Manager the authority to negotiate with GC Ventures. Mrs. Minuse seconded the motion.

Mayor Brackett asked if there was anyone from the public that wished to be heard.

Mrs. Angie Schepers, Representative from Mulligans, spoke on the proposal from Oceanside Restaurant Group. She said the proposal is for a first class restaurant, but the owner is willing to make it smaller if that is what the City would like. She asked that Council look at the proposals and consider all three (3) of the bids being proposed. She said that with Oceanside Restaurant Group the City would be getting more rent than what is being proposed by GC Ventures. Again, she reiterated that they would revise their proposal if that is what Council would like them to do.

Mrs. Marci Malas, M&M Florida Juice Company, said their proposal was the second runner up and she hoped that Council would consider them. She has always loved the Seaside Grill and feels that is the gem of the Treasure Coast. She said that their plan was in a few years to add a second floor to the restaurant. She thanked Council for considering them.

Mayor Brackett asked the City Attorney to reiterate the process on how the bid was conducted.

Mr. Turner explained that Seaside Grill is under the Charter protection provisions. He said in this zoning they may have a concession stand, which is not defined in the Charter but it is a small restaurant setting for a Park. He said going through a referendum to put a larger restaurant on this piece of property and submitting it to the voters may not be a process that they want to go through.

Mrs. Minuse did not know if they had enough time to get this on the referendum for this year's Election.

Mr. Joseph Guffanti said if they want to grow Vero Beach then they should move to Jupiter and leave Vero Beach alone.

The motion passed unanimously.

Item moved up on the agenda – 6A-1) Presentation to be given by Laura Bowen, Executive Director of USTA Florida

Ms. Laura Bowen, from USTA Florida, gave a Power Point presentation (attached to the original minutes).

Mrs. Minuse mentioned that she saw the presentation at the Recreation Commission meeting and it was very thorough.

Mayor Brackett commented that he supported allowing the programs that are occurring now to continue. He mentioned that he was a tennis player and there are some concerns from the community. He is always in favor of making things run better, but is concerned they would be eliminating a lot of their regular players if they were to approve USTA.

Ms. Bowen commented that it does take a leap of faith for both sides to enter into a partnership. She said they don't come in and eliminate programs. She said if there is a program that is working it is their goal to add to it. She reiterated they would not come in and look to eliminate anything.

Mayor Brackett asked about their fee schedule.

Ms. Bowen explained that they do have staff members and Board members who help operate the facilities that they have. She felt that the City's rate structure is higher than what most tennis facilities are offering. She said in terms of membership fees those very. However, it would be the City's decision on what rate structure that they wanted to use. She said with the membership types in place now there seems to be some inconsistency.

Mr. Falls was asking Council to ultimately make a decision if they want USTA to present them with a proposal. He said this is a good time for the public to ask any questions that they might have.

Ms. Holly Buglow (spelling may not be correct) said it sounded like it is up in the air concerning what the rates will be. She asked if they pay taxes to this town. She said it seems they are a nonprofit organization. She did not like that they wouldn't be hiring some of the pros that have been teaching tennis presently at the Riverside courts now. She said they (USTA) say that they want to grow tennis and her question was how. She thought if USTA came here and more people moved here because of them their roads would have to be widened and it would change the "flavor" of the City. She asked how much money they are paying to take over the courts. She urged Council not to vote for USTA because it would be a bad choice.

Ms. Erica Schroeder commented that she organizes groups of tennis players at Riverside Park and she hasn't heard any ways that the private groups will be accommodated. She has heard that prices are going to go up and she was not sure that she wanted to renew her membership. She worked with USTA in New Jersey and they are a strong supporter of the youth, but they have control over the courts. She doesn't know how USTA will manage to pull in more people to use the courts in the afternoon. She felt that more information was still needed.

Mr. Philip Mercer was impressed with USTA's presentation. However, what they have in Vero Beach is a discussion about freedom and to make their own choices. The players like the programs they have now and the way they are run. They like it the way it is and don't want to be invaded.

Ms. Mike Gibbons called Gainesville and Cocoa, where USTA runs their tennis programs, and their membership fee is over \$400. She is not hearing from USTA if they will continue having the round robin tournaments. She asked if they could see the assessment of Riverside Park and get an opinion from their Recreation Director on how he feels about this.

Mr. Falls explained that staff's job is to work out a proposal with USTA if Council directs them to do so and bring it back to Council.

Ms. Bowen explained that the City sets the fees at the location. She said USTA can only make recommendations on what they feel the fees should be. She said the fees at the locations where they run the tennis programs now were only changed because the City wanted to change them. In terms of the programs, round robins was not in place when they went to Cocoa or Gainesville, which is why they don't occur now. If the City is structured with having round robins that is fine. They will work with the community and what they want and are used to. They are not here to make money. In fact they lose money to grow tennis. Sometimes they offer free programs, especially to youth who can't afford to play.

Ms. Gibbons asked if they sell tennis clothing.

Ms. Bowen explained that they do not offer retail shops at any of their locations. If the community wants them to sell tennis balls then they sell them. If they want to have their rackets strung on site then they offer that service. The only apparel offered is a shirt that has the logo on it. There was one location selling shoes for people, because someone that worked for them was in that business. The only thing they have to sell is what the community asks them to sell.

Mr. Randy Walker with the Marty Fish Foundation, said that he has extensive experience with tennis. He knows what USTA does and the fashion that they use to promote tennis. He recently sent out a video that he did of the tennis facilities at Riverside Park. When he went to the Park in the afternoon there was no one playing on the courts. There needs to be more resources to get children out there to play on the courts. He is disappointed with the conditions of the courts. They don't look nice. He said if they provide a nice facility then people will come and use it.

Mr. Tom Fish commented that he has a huge passion for tennis. He gave the history of how he got involved with tennis, which was because of his children and their accomplishments with tennis. He lived across the street from the tennis facility for 15 years. He sees the activity going down from what it used to be. There are limited children's activities being offered. He thanked the Board from USTA for this amazing opportunity. He knows they will make a huge difference in this community and will help the tennis community.

Mr. Peter Kendall commented that he is a life-long tennis player. He said the tennis courts in Riverside Park are in a great location, they are just under-utilized.

Mr. Tim Palmer commented that he coaches tennis here in Vero Beach and works with the Marty Fish Foundation. He said this all got started when the City contacted Marty Fish about partnering with them on the Riverside racketball facility. He said they are limited as to what they can do compared to what USTA can do. The City will not have to worry about refurbishing the complex because USTA will be taking care of the complex according to their mission. He hopes that Council will put the children first and allow USTA to come into this community.

Mr. Roger Rambell, has been a participant in round robins for over 30 years. He believes the City is doing a great job at maintaining this facility, but USTA is able to do a better job.

Mrs. Minuse asked staff to work with USTA and bring back an agreement.

Mr. Falls said if Council is interested in pursuing this matter then they need to give staff direction to bring back a proposal from USTA.

Mr. McCabe was in favor of doing that. He said there has been a lot of misinformation floating around and they need to see something concrete to consider. It seems that USTA

is supportive in making an investment to the recreation facilities in Vero Beach. He would love to see a more concrete proposal from USTA to talk about some of the facts and make some considerations. He asked staff to bring back a firm proposal for them to consider.

Mrs. Minuse agreed that they need to see something on paper.

Mayor Brackett reiterated that he is always in favor of making things better, but he was not entirely convinced that this was the way to go. There are a lot of unanswered questions and Council needs to see the answers. He said there are some programs that they can't offer like rowing, but they can offer tennis. Staff was instructed to bring back a proposal from USTA.

4. PUBLIC HEARINGS

A) ORDINANCES

1) An Ordinance of the City of Vero Beach, Florida, amending Chapter 46, "Marine Activities, Structures and Facilities" of the Code of the City of Vero Beach; Revising Requirements for Installation of Structures on City-Owned Submerged Land; Providing for Codification; Providing for the Conflict and Severability; and Providing for an Effective Date. – City Council

The City Clerk read the Ordinance by title only.

Mr. Falls reported that this Ordinance addresses the City owned submerged lands, including the canals at Vero Isles. They all agreed that this was the best way to handle this situation.

Mayor Brackett made it clear that there is a sample lease agreement attached to the Ordinance that will come back to Council.

Mrs. Minuse said that a 99-year term makes sense. She felt that this was a reasonable way to approach this.

Mr. Turner commented that he worked with several of the property owners and their attorneys in crafting this document and feels they are looking out for the interest of the City and the property owners involved. He knows that it has taken them a long time to get to this point, but the issues were very complicated. He thanked the Assistant City Attorney for all of her hard work in drafting this Ordinance.

Mrs. Minuse felt that this was very reasonable and she has not heard any objections.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mr. McCabe made a motion to adopt the Ordinance. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

- 2) An Ordinance of the City of Vero Beach, Florida, amending Article III, “Commissions and Boards,” of Chapter 2, Administration, of The Code of The City Of Vero Beach; Revising Membership of the Airport Commission; Providing for Codification Providing for the Correction of Scrivener’s Errors; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by City Council**

The City Clerk read the Ordinance by title only.

Mrs. Minuse said that this Ordinance makes sense in regards to the Airport Commission.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mrs. Minuse made a motion to adopt the Ordinance. Mr. McCabe seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

- 3) An Ordinance of the City of Vero Beach, Florida, Amending the Land Development Regulations by Amending Chapter 65, Article III, Amendments to Comprehensive Plan and Land Development Regulations, to Update the Procedures for Comprehensive Plan and Land Development Regulation Amendments for Consistency with State Regulations; Providing for Codification; Providing for Scrivener’s Error; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Ordinance by title only.

Mr. Jason Jeffries, Planning and Development Director, reported that this Ordinance allows the Council to vote on an Ordinance that has to be heard after 5:00 p.m. and make it a day meeting (must be a majority vote plus one vote). He also added some housekeeping measures to update the procedures for the Comprehensive Plan and Land Development Regulation amendments to be consistent with State Statutes.

Mr. McCabe understood that this just conforms them to the Comprehensive Plan and Land Development Regulations. Mr. Jeffries said yes that was a big part of the Ordinance.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mr. McCabe made a motion to adopt the Ordinance. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to Enter into a State Highway Lighting, Maintenance, and Compensation Agreement with the Florida Department of Transportation; Providing for Administrative Correction of Scrivener's Errors; Providing for an Effective Date. – Requested by the Public Works Department**

The City Clerk read the Resolution by title only.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mr. McCabe made a motion to adopt the Resolution. Mrs. Minuse seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

- 2) A Resolution of the City of Vero Beach, Florida, Amending Resolution 2020-16 of the City of Vero Beach, Florida; Authorizing the Airport Director to prevent certain Commercial Aircraft from accessing the terminal building or other common areas; Providing for Repeal of Conflicting Resolutions; Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Turner reported that this Resolution authorizes the Airport Director to prevent all commercial air carriers from accessing or using the Airport terminal building, or common areas, if the aircraft does not comply with TSA regulations unless prior TSA approval was granted.

Mayor Brackett opened and closed the public hearing with no one wishing to be heard.

Mrs. Minuse made a motion to adopt the Resolution. Mr. Cotugno seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

- 3) A Resolution for Assistance 2022 under the Florida Inland Navigation District Waterways Assistance Program. – Requested by the Marina Director**

The City Clerk read the Resolution by title only.

This grant request is a 50/50 match for a Florida Inland Navigation District (F.I.N.D.) grant for the funding of the south complex rebuild at the Vero Beach Municipal Marina.

Mr. McCabe asked if this would be close to the south dock. Mr. Falls said it is adjacent from the storage dock.

Mrs. Minuse felt that this backup material was very helpful for the workshop that they have coming up on Thursday to discuss the Marina.

Mayor Brackett opened and closed the hearing with no one wishing to be heard.

Mrs. Minuse made a motion to approve the Resolution. Mr. McCabe seconded the motion and it passed 4-0 with Mr. Cotugno voting yes, Mr. McCabe yes, Mrs. Minuse yes, and Mayor Brackett yes.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Barbara Ruddy commented on the soft opening fundraiser that occurred at the Air Show this weekend. They were able to get the word out about the WWII monument and contributions are coming in. They are treating this as an emergency as they would like to have it completed by Veterans Day 2023. She asked Council to support this initiative and support this cause.

Mr. Leonard Markir didn't know what was in the minds of previous Councils'. He said they had big plans for spending money. The expansion for the Marina must have seemed like a big idea. It is clear to him that this Council is moving forward with the proposed Marina plans. He brought up what was going on worldwide and that there could be a recession so this might not be the right time to do this. A lot of people are starting to watch what they spend, not to mention the shortage of getting parts for things being constructed. However, he doesn't see the City slowing down on the expansion of the Marina.

Mrs. Leslie Tilley was speaking on the Marina expansion plan and she said that she is trying to inform people about this plan to anyone who will listen. She said that many people are asking why the repairs are not being made. She said that she has a lot of questions. A few months ago she heard about this massive structure that is going in at the end of her street, which woke her up. She believes that the Manatee Protection Plan is out of date. She then read a letter into the record from a County resident who asked that it be read at this meeting.

Ms. Florence Ann Roberts stated that they need to consider the health of their residents and the health of the Lagoon. She brought up the Manatee Protection Plan, which she said is outdated. Since doing all of this research she found some information which she quoted from saying that the north basin dock is unsafe and unusable. She asked that this be addressed.

Mr. Joseph Guffanti commented that a couple of years ago he went over to the Marina and asked about the rates to dock a boat at the Marina and got into a discussion with the Manager who said if he didn't like the rates then go somewhere else. Then a couple of months later he read in the newspaper that someone was having a problem with the

Manager over there. He called the City Manager to ask him what the story was and why their rates were so high and never got a phone call back. Then there is the building that has been vacant for so many years and he doesn't understand in a managerial position that he would allow this to go on. He asked Council for whom are they doing this for and why are they expanding the Marina. He asked who is benefitting from this.

Mayor Brackett explained because grants were used to purchase the Waddell building there are limited uses to what it can be used for.

Mr. John Wester hoped that the Council has read the proposed Marina Plan because he has not. He has only read the first page. He said that he has a petition signed by 400 people who don't want the expansion of the Marina.

Mr. Richard Oathmer (spelling may not be correct), condo owner in Vero Towers said that he was at their meeting on March 15th and has flown back to Vero Beach to attend the workshop to be held on Thursday. He has read the entire Master Plan for the Marina that is on the website. The building on the plan in 2020 has doubled with the amount of boats that were originally going to go in the boat storage building. He asked what else can he review to be prepared for that meeting and to have some intelligent questions to ask. He has not seen any drawings with dimensions on them, nor any environmental documents. He asked what information will be made available before the workshop.

Mr. Falls said that he hoped to have the final presentation today and put it on the website tomorrow.

Mrs. Karen Marcil found it interesting that no one was interested in the Waddell building. She has come up with some great ideas on how that building could be used.

Mayor Brackett said that they have tried to lease the building for years, but it has to be Marina related.

Mr. Falls said there were a lot of people interested in the building, but they didn't meet the qualifications.

Mrs. Marcil suggested looking at paying the grant off.

Mr. Falls said that they would still have to look at what is allowed in that particular zoning district.

Mrs. Marcil hoped that they have accurate details to be prepared for the workshop. She wanted to know what the changes are going to be.

Mr. Falls explained at the budget hearings that were held last July, staff presented Council with three (3) proposals to go forward with concerning the storage shed. The City Council selected proposal three (3), which was to move forward with the ultimate building site and see how it works out. He said at the workshop meeting they will have some actual drawings

to go over, as well as the same fly over picture of the storage building that was presented to the Marine Commission and is on the City's website.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

- 1) Presentation to be given by Laura Bowen, Executive Director of USTA Florida**

This item was heard earlier in the meeting.

B) OLD BUSINESS

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

8. CITY CLERK MATTERS

A) Summer City Council Meeting Schedule

The City Clerk reported that it is customary for the City Council to cancel their first City Council meeting in July and the second City Council meeting in August. She just wanted to make sure that Council wanted to cancel those meetings this year. Council agreed with cancelling these two (2) meeting dates.

**9. CITY MANAGER MATTERS (include amount of expense)
(Staff/Consultant special reports and information items)**

A) FY22-23 Budget Priorities Discussion

Mr. Falls said that this item was on the agenda to find out from Council if they had any budget priorities that they would like to discuss at the budget hearings that will be held in July.

Mr. McCabe said that his two (2) biggest items were the Lagoon and the second street sweeper.

Mrs. Minuse was concerned with salary wages for their law enforcement and other employees.

Mr. Cotugno recalled the presentation that he gave when they were discussing the American Rescue Pan Act (ARPA) regarding where the dollars will be spent and he wanted that to be a part of the budget discussions and how to spend the money.

Mr. Falls asked if they wanted to use some of the funds for the Water Reclamation Facility.

Mr. Cotugno felt that needed to be discussed at the budget hearings so Ms. Lawson can be given a clear direction to go in.

Ms. Cindy Lawson, Finance Director, just wanted to know if Council wanted her to put the money in the Water and Sewer Department's fund for the Water Reclamation Facility or leave it out. Council told her to leave it out and they would discuss it at budget time.

Mr. Cotugno said that right now this is found money and the money needs to be spent the best way for the community.

Mayor Brackett said that they would leave the money out of the budget and discuss it at their budget hearings.

Mayor Brackett wanted them to look at salaries and getting extra parking spaces on the beachside.

B) Lease of Seaside Grill Restaurant Request for Proposals (RFP) – Evaluation Committee Ranking and Recommendation

This item was heard earlier in the meeting.

10. CITY ATTORNEY MATTERS

Mr. Turner stated with the on-going litigation between the City of Vero Beach and the Town of Indian River Shores this is the action brought by Indian River Shores claiming that the 1989 Territorial Agreement with Indian River County is an illegal restraint of trade in regards to the anti-trust laws. During the course of this litigation the City of Vero Beach has filed a motion to dismiss and one of the issues raised in the City of Vero Beach's motion is that Indian River Shores failed to join Indian River County as a party to the litigation. He said Indian River County and the City of Vero Beach are the entities that are involved in the contract for the Territorial Agreement. He said Indian River Shores proceeded in filing a lawsuit against the City of Vero Beach and not Indian River County. This was raised in front of the Federal Courts and the Judge during the arguments of the motion asked where was Indian River County in this matter. The City of Vero Beach stated their position was that Indian River County should be involved as a necessary party because they are a party to the contract. After the arguments were made the County Attorney addressed his client, who is the County Commissioners, with the proposition that he would like to file a notice of non-interest in this Case. The County Attorney did so and filed an Indian River County statement of no-fault in the Federal litigation. It is a non-party situation that is up for dispute right now. In the statement Indian River County acknowledges there is an agreement with the City of Vero Beach for the 1989 Territorial Agreement. He said this is now, in their estimate, a statement by Indian River County that it recognizes and determines as factual and truthful that this agreement does exist. The other matter addressed by the Board of County Commissioners was that the County Attorney was to make it clear that Indian River County and Indian River Shores are not in negotiations with furnishing some services from Indian River County to Indian River

Shores. This came about because Indian River Shores stated in its reply to dismiss that they are in negotiations with Indian River County for service and they even made that statement for oral arguments before the Court. The County Attorney did not refer to that statement in the letter of no interest that was filed. Mr. Turner said in bringing this forward that Indian River County does acknowledge in this statement that the Territorial Agreement does exist and is true. He wanted Council to have this information and to know that he is discussing with outside counsel their next course of action regarding this.

11. COUNCILMEMBER MATTERS

A. Mayor Brackett's Matters

Mayor Brackett commented that last week Council was given a tour of Piper, which was great. He thanked Piper for taking the time to do that for them. He complimented everyone that worked on the Air Show and how great it was. He thanked all the volunteers who were out there this weekend and mentioned that the money raised all goes back to our community. It was a great event and he was there all three (3) days.

B. Vice Mayor Neville's Matters

C. Councilmember Minuse's Matters

Mrs. Minuse asked Council if they would support a Resolution directing the Corps of Engineers to develop a Comprehensive Plan for Lake Okeechobee and northern estuaries ecosystem restoration and for other purposes.

Mayor Brackett said he would like to see the Resolution first.

Mr. Turner said that he would circulate a copy of the Resolution for Council's review and put it on the next Council meeting agenda.

Mrs. Minuse reported that the Indian River County Metropolitan Planning Organization will be hosting a series of Visioning Workshops to facilitate discussion and gather the community's input on alternative future land use strategies for the County. When those dates have been set she will let Council know.

Mrs. Minuse agreed that the Air Show was great. She thanked staff for the Arbor Day celebration and the Piper tour was fabulous.

D. Councilmember McCabe's Matters

Mr. McCabe commented that the Piper tour was fantastic. The economic impact of Piper is great for this community. He mentioned that Piper is looking to hire about 150 new employees. He was sorry that he missed the Air Show, but he survived four (4) days with his teenage grandsons.

E. Councilmember Cotugno's Matters

Mr. Cotugno commented on the wonderful experience he had at the Air Show.

Mr. Cotugno asked the City Manager if there was an update on the Twin Pairs project.

Mr. Falls said not yet. They are still waiting for the Florida Department of Transportation to get back with them.

13. ADJOURNMENT

Today's meeting adjourned at 11:29 a.m.

/tb