

CITY OF VERO BEACH, FLORIDA
JUNE 19, 2018 3:00 P.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

The invocation was given by Pastor Luke Carson of Central Assembly of God followed by the Pledge of Allegiance to the flag led by Colonel Young.

1. CALL TO ORDER

A. Roll Call

Mayor Harry Howle, present; Vice Mayor Lange Sykes, present; Councilwoman Laura Moss, present; Colonel Tony Young, present and Dr. Val Zudans, present **Also Present:** James O'Connor, City Manager; Wayne Coment, City Attorney and Tammy Bursick, City Clerk

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – June 5, 2018

Dr. Zudans said that he stated at the June 5, 2018 City Council meeting that he was told by the City Clerk that two (2) of the City Councilmembers declined to sign a particular letter to the Public Service Commission and he was unaware that a separate letter was sent by Councilwoman Moss. He did state at that meeting that he did not know that a separate letter was sent. He asked that this be made of record.

Mayor Howle asked the City Clerk to make an appendix to the minutes.

Councilwoman Moss said that she added two (2) sentences to the minutes having to do with parking. She said that she did not remember exactly what was said but it was with regard to the three (3) hour parking. She said that she said it at the meeting. It just wasn't part of the minutes and that was that the original vote on the three (3) hour parking, to allow the three (3) hour parking Oceanside was four (4) against it and one (1) in favor of the three (3) hour parking, which was herself. The second sentence was something that Mrs. Georgia Irish, President of the Oceanside Business Association (OBA), had said at that meeting, which was that she (Councilwoman Moss) was the first person to approach her with regard to solving the problem.

Mrs. Tammy Bursick, City Clerk, said those two (2) sentences are a part of the minutes.

Dr. Zudans made a motion to approve the minutes as amended. Colonel Young seconded the motion and it passed unanimously.

B. Agenda Additions, Deletions, and Adoption.

Mrs. Bursick requested that item 3-C) be added to the agenda, which is Bid No. 140-18/CSS – Sodium Chlorite 15% Annual Supply Contract, item 3-D) Final Payment to Ag-Scape Services for the Flight Safety Drainage Pipe Repair at the Vero Beach Regional Airport and that item 5B-2) be added to the agenda, which is a Resolution authorizing execution of the New Statewide Mutual Aid Agreement dated February 26, 2018.

Vice Mayor Sykes made a motion to approve the agenda as amended. Councilwoman Moss seconded the motion and it passed unanimously.

C. Proclamations and recognitions by Council.

1) The Vero Beach Dog Park is being awarded a grant from the Community Foundation of Vero Beach and Indian River County

Mr. Scott Alexander, Immediate Past Chair of the Board of the Community Foundation, said the Foundation has been in existence for 10 years. He said that \$100 million has been contributed to the Foundation and of that total almost \$50 million is still at the Foundation, which is money that can be used for grants. The other \$50 million has gone out to the communities around the Country, but a little more than 80% of that money has stayed in Indian River County. He said they have the availability to give a wonderful grant to the Vero Beach Dog Park in the amount of \$20,000 to be used for improvements to the Park.

Ms. Jill Jones, Vice President of the Vero Beach Dog Park Board of Directors, thanked the Community Foundation for their generous \$20,000 grant. She then went over the improvements that have been made and the improvements that will be made to the Park.

Dr. Zudans said that he is a big fan of the Dog Park and he is also a big fan of the Community Foundation. He said it is a good technique for people who are starting new non-profit agencies to work with the Community Foundation.

Mr. Young reported that the Community Foundation has supported the Veterans for many years. He congratulated the Vero Beach Dog Park.

2) Casual Dress Days – June 5, 2018 – September 18, 2018

Mayor Howle said it is customary in New York, as an example, to wear ties, suits, heavy hot clothing, etc. and we, as our logo states, are where the Tropics begin. He thought it would be nice, if they so chose, to reflect the laid back tropical beach community that they all love and want to be. Therefore, he asked the City Clerk to put together a Proclamation.

Mayor Howle read the Proclamation.

Mayor Howle said four (4) of the five (5) Councilmembers signed the Proclamation, which is fine. He hoped that everyone would feel a little better about wearing some looser clothing for the next few months and enjoy the weather.

Councilwoman Moss said that she was the one (1) Councilmember who did not sign the Proclamation. She read from the Proclamation, "*governmental Agencies in Vero Beach are indeed informal while remaining professional.*" She said that she is the only Councilmember who did not sign this Proclamation and she will tell them why. She said regardless of how members of this Council decide to dress themselves, some of them have not been conducting themselves in a "professional manner." She said they have been handling City business in a way that is disrespectful of their colleagues on the Council, confusing to the community, and condescending and demeaning to City staff. Unfortunately there have been many examples of this, but she shall focus on the Riverhouse now because many concerned members of the community have joined them today to speak about it. She will preface her remarks by saying ...

Mayor Howle said excuse me ...

Councilwoman Moss said I have the floor sir.

Mayor Howle said that he is just wondering if they were still talking about a Proclamation or something else.

Councilwoman Moss said this is my response to it. I have the floor sir. She said that she will preface her remarks by saying that she voted against the commercialization of Riverhouse. Councilman Young also voted against it. However, the final vote was 3-2 against them. This matter was placed on the agenda of a recent meeting without any indication of what was to be considered. For the community, the City Council meetings must be properly noticed, meaning that they are advertised and the agenda is supplied in advance to allow the community to participate. Agenda matters should be clearly stated and background materials to aid in understanding them should be attached to the agenda. She then showed on the screen the attachment on the Riverhouse matter (attached to the original minutes). She said if this attachment fulfills the letter of the law it certainly does not fulfill the spirit of the law.

Mayor Howle said excuse me, Councilwoman Moss...

Councilwoman Moss said I am allowed to speak. I represent the...

Mayor Howle said I am allowed to stop you because...

Councilwoman Moss said I am a representative of the people.

Mayor Howle said I can stop you because I run the meetings. This has nothing to do with the Proclamation.

Councilwoman Moss said yes it does.

Mayor Howle said I don't think it does.

Councilwoman Moss said yes it does. It absolutely does and I quoted you. She said let me just finish. I'm almost done, if you would be so kind.

Mayor Howle said okay.

Councilwoman Moss said thank you. She referred to the item on the screen. She said this was the only information provided before calling for a vote to direct the City Manager and staff. There have been other similar instances recently, for example, the presentation regarding the City's Solid Waste and Wastewater System by Mr. Heran and Dr. Faherty. Any matter requiring a vote or consensus of Council to move forward should include relevant background information and the Councilmembers should clearly state for the Council, the community, and City staff, the problem that he is trying to solve or the opportunity that he is trying to create. Define the problem clearly. State the facts supporting it. State the goal, the plan, and the consequences. What we have been subject to recently is a scattershot approach, shooting from the hip at anything that moves. Of course this is a cause for alarm to the community. To them it looks like the Council is ready to sell anything that is not nailed down. She said I am not. She said that she speaks with many many people in our community and by and large the consensus of this community is that this City is a wonderful very special place exactly as it exists today. People are escaping to Vero Beach, not from it. While refurbishment of some of our City facilities certainly is desirable there is no public outcry for wholesale change of any kind. In fact it is quite the opposite. The community's concern is that the City be protected and preserved. That is my mission; protect and preserve. This current mission to monetize does not represent the wishes of our community. I respectfully request that the Council respect the wishes of the community. Thank you.

D. Staff/Consultant special reports and information items.

1) Ms. Debra Atwell, Chairwoman of the Historic Preservation Commission to speak on the Old Dodgertown Golf Course: Historic Relevance

Ms. Debra Atwell, Chairwoman of the Historic Preservation Commission (HPC), said that she has never lived here and had her phone ring off hook like the last couple of days. She is not a political person, but someone to provide information for the community and most importantly for the City Council. She said when people stop her asking what is going on because they are frightened of decisions being made that she does her best to comfort them and tell them they are all fair and even minded people. She said that she doesn't understand why this parcel of property (Old Dodgertown Golf Course) was being given any attention or identified as a commodity that could be sold without taking a closer look at what it truly was. She asked if they were already accepting offers, even casually, why at that point someone didn't say they need to speak with the HPC to see exactly what lurks beneath the surface. She said that she had no knowledge of this. She

had one (1) conversation with the City Manager who made it sound like eventually something could happen after the sale of the utilities to Florida Power and Light (FPL). She said that nothing gave her the impression that it was going to suddenly vanish without a chance for her to let the community know. She then showed some slides on the regarding this property (attached to the original minutes). She said this property is a cultural legacy landscape and the corner is a portion of the incredible legacy of Dodgertown. She said they have a much logged man, a Hall of Fame athlete, that had the most positive experience and his fellow black players did as well. She felt if they were to continue to look at this area as dirt they could lose a lot. She asked that they look at the long history of success. Dodgertown was successful and now it is successful again.

At this time, Mayor Howle informed Ms. Atwell that her 10-minutes were up. He asked that she conclude her presentation.

Ms. Atwell said that she had two (2) things that she wanted to show Council. She asked if she stopped speaking at this point if Council would watch them.

Council agreed.

At this time, Ms. Atwell showed a video from the National Trust for Historic Preservation and a video on the history of Dodgertown (both on file in the City Clerk's office).

Councilwoman Moss thanked Ms. Atwell. She said that she wanted to add one (1) sentence, which is not her own sentence. It is a matter of public record and was written by the past Interim City Manager, Mr. James Gabbard, as part of a Council agenda report on June 20, 2005. She said this is a direct quote and is regard to the Dodgertown Golf Course, *"The purchase price would be \$9,995,000 for approximately 37 acres of land and the lease of the property will be restricted for 40 years to open space, a golf course, or some Park-like activity."* She said the next day, June 21, 2005, that City Council voted unanimously to purchase the property so clearly they were thinking open space at that time.

2) Water and Sewer and Solid Waste Presentation

Mr. Rob Bolton, Water and Sewer Director, gave a Power Point presentation of the Wastewater Treatment Plant being relocated (attached to the original minutes).

Mr. James O'Connor, City Manager, explained that the structure of the debt can determine when they want to have that debt and still time it around when the existing debt service expires and then therefore would have no impact on charges that they have today.

Mayor Howle said that he has spoken with Mr. Bolton for about four (4) years kicking the idea around about getting an industrial eyesore off the river. He said it is time. He said several years ago the County proposed that the City allow them to take over

everything for the City and for several different reasons that fell apart. He said several years have passed and so he wanted to speak with the County about that again and he thanked the County for giving him the opportunity to do that. Unfortunately, by no fault of the City or the County, it doesn't seem like there is any way that a situation like that today would be mutually beneficial. The other option is to have a privately ran utility. He is all for smaller government and he is all for the private sector running some of the functions of government because they do it better, except there are a few places on the West Coast of Florida that have privately owned and operated Wastewater Treatment Plant facilities, which seemed like a good idea at first, but essentially if a privately owned company has control over a utility and they want to raise the rates or there are issues with the way they utilize their service to the customers, the customers cannot just pick up the phone and move to another company. There is no other option. It is a privately owned monopoly and they have lost control over the ability to improve service, to keep rates down, etc. Therefore, in an effort to get this large piece of equipment off the river he asked Mr. Bolton to give the City Council a presentation that would give them an idea of the history and the possibility of them getting it off the river and into a new facility. He said after having asked the questions about the County and about the private sector, he has moved that this is their best option.

Mr. Bolton said there are going to be tons of questions. He showed on the screen questions that he received from his 14 year old daughter. He said bringing this before the Utilities Commission and the Finance Commission will give them another opportunity to vet it out.

Mayor Howle asked are there benefits to moving this to the Airport property.

Mr. Bolton said they would have overtime reduction of staff and all the equipment would be new so they would have a benefit of lower electrical costs. Depending on the treatment method it could be an advantage or disadvantage. He said when they start looking at the cost of staying where they are versus replacing that facility with a new facility all that is left is the concrete and steel. All the equipment is going to have to be replaced over the next 15 years so now is the time to look at this.

Mr. O'Connor noted that they would be going to existing City owned land where they already pay rent to the Airport.

Mr. Bolton said there are a lot of things that they have not looked at that could save them money.

Mayor Howle said they have had massive spills in Melbourne and in Ft. Pierce over the years and he doesn't want to see that happen here. He felt it was time for the Plant to be moved from the Lagoon.

Dr. Zudans thanked Mr. Bolton for doing the research and presenting this to the City Council. He said that he is excited about this. He said one (1) of the things that he didn't like about Vero Beach when he moved here was waterfront sewer. He felt it fits with the

culture of this community to get the Plant off the Lagoon and have something there for people to enjoy. He felt that something great could happen at both of these sites (the Power Plant site and the Wastewater Treatment Plant site). He felt that the year 2021 seems like a long time away. He asked Mr. O'Connor to explain how they could potentially do this earlier without raising utility rates.

Mr. O'Connor explained that they would structure the debt service around the expiration of existing debt service. In other words they don't pay as much up front. He said they do need to explore this. He thought that they were getting direction from the City Council to proceed in this direction.

Dr. Zudans said his request is that the timeline be compressed. He said that he knows going with the County was a no-go. He asked like with FPL where they cannot raise rates unless it is justified by the Public Service Commission (PSC), how does that apply here.

Mr. O'Connor said that he spoke with several companies about privatization and the key is that every one of them will ask how much do they want for the system. He said they don't really care because they build that cost into their rates, which are justifiable costs.

Dr. Zudans asked can the City go to them and tell them they want the rates to stay the same, that they want them to move the Plant off the Lagoon, and ask what is the price they will give the City.

Mr. O'Connor answered yes and he has inquired about it. He explained that if the City wanted zero dollars they would keep and run the system like it is and they would invest in moving the Plant. But, the bottom line is the City would not get anything from Water and Sewer.

Mr. Bolton said there is a State Law that requires them to value the system and then have a public hearing if they are going to sell it.

Dr. Zudans felt they should do the exercise to find out what the deal is. He said that he is not for privatizing everything in government. He just wants to know the answers as to if they are better off running it themselves or having someone else do it.

Mr. O'Connor said if they are going to get money the company is going to build it into the rates. He recommended that Dr. Zudans call a private company because they are up front. He said the company will recover the numbers and the only way they can is through rates.

Mayor Howle said in talking with these privately owned companies there is wiggle room for them to put the screws to us.

Dr. Zudans said that he feels as a duty of a Councilmember that they have to at least look at all the options so that they know they are making the right decision.

Councilwoman Moss thanked Mr. Bolton and Mr. O'Connor. She said in looking at this presentation they can tell that the research has been very thorough, including Mr. Bolton's 14 year old daughter's questions. She thanked them for that. She felt that Mr. Bolton gave a good presentation and it is a good plan. She said it has her support.

Mayor Howle asked Dr. Zudans to make a few telephone calls to see if he can get some answers and Mr. Bolton will do some calculations.

Mr. Bolton said that he would give Dr. Zudans some telephone numbers on who he can contact to get some answers.

Mr. Young asked Mr. Bolton if there have been discussions with Mr. Menger as far as the Federal Aviation Administration (FAA) restrictions.

Mr. Bolton answered yes.

Mr. Monte Falls, Public Work's Director, gave a Power Point presentation on the Solid Waste Department (attached to the original minutes).

Councilwoman Moss thanked Mr. Falls and his staff for everything that they do. She said it was amazing the job that he did cleaning up after the hurricane. She said that Mr. Falls left out one (1) story and she thinks that she read and it was a great story. She said this is part of what makes us special. She said a man thought he threw his keys or his wallet into the garbage and he called and your (Mr. Falls') staff actually traced down which truck might have picked it up, where they dumped it, and they looked through it to try to find it. She said that is what defines us as a community. That's what makes us special and she wanted to thank Mr. Falls for that. She said that he is in charge of it and that is a wonderful reflection on him, his staff, and on the community.

Mayor Howle said there are a lot of hefty goals that he would like to accomplish while on the City Council. Some are within reach and some are not. He said that he was sorry that the Leisure Square deal turned out the way it did. It costs the City \$300,000 to keep it open and he thinks there are better uses for it, but that is over. He then discussed Solid Waste. He said getting these 23 employees off their books, essentially decreases service in a big way, is going to save the City about \$4.00 per month, they would have one (1) day a week pickup and they will lose the debris cleanup. He said that he spoke with one (1) employee, who is one (1) of many that is working two (2) jobs and he had concerns about his job. Mayor Howle said that he doesn't think there is anything wrong with the ask, but when he received the answer to the ask being waste management, he was not impressed. He said that he spoke with the employees and what he got out of it was that in his mind \$4.00 is not worth it. He said in speaking with Mr. Lonnie Scott, Solid Waste Assistant Director, he was told that in his 40 years of working for the City he had never had a Mayor come and speak with them. Mayor Howle said bigger and better things are out there to be done to save the City money and keep the same or better level of service. In his mind, this is not one (1) of those.

Councilwoman Moss said that she is out in the community constantly. She travels in many different circles. It has been almost two (2) years now and she has never had even one (1) complaint. She asked has any Councilmember had any complaints about Solid Waste that Mr. Falls should know about.

Mr. Young said that he doesn't have any complaints. He has accolades. He said in watching the immediate response after this past hurricane and understanding in having the capacity to react to these uncertain things is probably a necessity in a coastal Floridian town. He said that he appreciates the twice a week pickup. He believes in the responsiveness that is there and has seen it in countless different examples. To reach and say for a nominal savings they want to disrupt that would be counterproductive.

Dr. Zudans said that he thinks there is great value and one (1) of the great values of having explored this is to understand the value, the quality and the cost. He said they have people who work in the City who never really think they are appreciated and they received a visit from the Mayor. He said going through and looking to see what the alternatives were, what the difference in cost was, and the level of service shows that they are actually doing something that has never been publicly recognized before. So there is value in exploring the different options and finding out if they are doing a good job or is there a better option out there.

Mr. Falls said that he appreciates the opportunity and through this procedure they have found a way that they can pull in at the corners a little bit, which they will talk about during budget time.

E. Presentation items by the public (10 minute time limit).

F. Public Comment (3 minute time limit).

Ms. Phyllis Frey said that they know the Vero Beach residents are growing extremely concerned with the City Councils' consensus to move forward on a proposal to include commercial development consisting of a brewery or a bar on public Park land belonging to McWilliams Park, the people's land. She said serving alcohol in close proximity to Beachland Elementary School may be concerning to members of the School Board. She read into the record some people and organizations that are in opposition of this (attached to the original minutes). She said that she has talked with hundreds of people and not one (1) of them are in favor of this project being in the Park. She said they elected them (the City Council) to represent them, the safety and welfare of our community and to listen to the voice of the people. She said they want family and pet friendly Parks that are safe. She said encroachment of commercial development into the Parks will permanently and irreversibly open the door to subsequent developers who will continue to destroy their green space for the sake of their bottom line. She said they know that Councilwoman Moss and Councilman Young are listening to their voices in support of protecting our Parks in compliance with our City Charter. She said if not all the Councilmembers, perhaps one (1) or two (2) will realize that saying no to a brewery in our Park is the right thing to do for the people.

Mr. James Shay said that he is on the same page with Ms. Frey about the brewery. His personal concern involves traffic. He said that he uses the boat ramp a lot and issues started with the Dog Park that everyone loves. He said if the Dog Park people came in closer to the ballfield they wouldn't have the potential for accidents and they wouldn't have people getting upset between the people using the Dog Park and the people trying to get their boats in and out of the water. If they add more traffic in this area it is going to complicate things more. He does not think they should have a private business in the Park. He hopes that the City Council will reconsider this.

Dr. Edward Climber said that he does not want to see Vero Beach become Dade County because that is why they don't live in Dade County. He said that he has a little puppy that he takes to the Dog Park, which he complimented the City stating it is one (1) of the best Dog Parks in the State. He said there is a motto, "*if it's not broken, don't fix it.*" He said Manhattan has Central Park and he is sure there must be thousands of people that want to develop it. He doesn't know how they did it, but they prevented major development. He asked please, don't mess around with the Dog Park and the beautiful Parks they have and to keep the Dodgertown property noncommercial.

Mr. James Carr said green space should be green space whether heavily used or not. They should stay green. He said the City of Naples doesn't have Parks or what Parks they do have is very few and very small. He said it is a lovely City, but there is hardly any green space at all, which is a tragedy. He said that he likes having lots of green space. He said the last time he was before the City Council he was told by a few of them that they were capitalists. He said one (1) thing about capitalists is that they don't get rid of the "cash cow." Like the Post Office, which he understands is up for sale, the capitalist would say they have something here that makes money and pays for itself in so many years and they would leverage that income if they need more money, rather than selling it out from under themselves. He said if they are going to be capitalists, be capitalists.

Mr. Ted Robinson said that he just heard about the proposal to get rid of Riverhouse and put in a brewery. If that is the case, he is concerned about the fact that he doesn't think a brewery would make it financially. He said that he would like to see a business plan, the financial statements of the developers, etc., before anyone makes any type of situation to move ahead. He also thinks it might be a good idea to market test this and possibly start off with a food truck with some beer in tow. Also, there has been a big hullabaloo about the traffic along Indian River Boulevard and Mockingbird Lane. If, in the very unlikely event that the brewery would make it, there would be more traffic adding to that problem. He said that he doesn't think there is a market for a brewery and questioned what they will end up doing with a brewery if it goes bust. The other thing is that he thinks all the Parks have signs that state "no animals and no alcohol" and here they would be putting alcohol in a Park, which runs against the grain of things.

Mayor Howle explained that what happened a couple of weeks ago was that there was a business owner who came before the City Council to speak and ask questions. There was no vote to allow this to happen.

Ms. Maryann Faraby said that she lives on Mockingbird Lane in a house that her father built in 1968. She said if they look at that area, it is at the base of the bridge and the Volunteer Ambulance Squad is on the corner. It is a dense area of many Oak Trees and the entrance and exit consists of winding one-lane roads. In the proximity of this area they have the Dog Park, Beachland Elementary School, the Little League ballfields, and boats and trailers that really have a difficult time because of the many trees. She said there also is the Rowing Club and all they need is to have alcohol. She said if they want to do something with the Riverhouse maybe they could fix it up a little bit and it might be used more. She said they have already crammed a lot into this small area and now they are talking about putting in a brewery. She said there is no way they can put some type of commercial business in this spot.

Councilwoman Moss asked the City Clerk to check to see what the motion was with regard to Riverhouse and to read it into the record.

Mayor Howle thought the motion was to allow them (the brewery) to bring a site plan back before the City Council. He said that he remembers saying that this doesn't mean there was going to be any kind of approval.

Mrs. Nancy Cook agreed with the integrity of the area, as well as the marketing of it. She is concerned that now they don't have the income from the Utilities. She said there are a lot of Parks in the City, which she is not opposed to, but as far as if they are an asset or liability, they are things as a City Council that needs to be looked at, maybe not at this location, but maybe other locations. She said the City has 36 Parks, which is a lot of green space, but is also off the tax rolls. She said they are free to use, but are not free to maintain. She said there may be other options they could look at that wouldn't violate the integrity of the area.

Mr. Arthur Economy read a prepared speech (please see attached).

At this time, the City Clerk read the motion that was made at the May 15, 2018 City Council meeting, which was *"Dr. Zudans made a motion to have the City Manager enter into discussions with Mr. Bing about what potentially he wants to do if he is interested with a concession at Riverhouse. Vice Mayor Sykes seconded the motion and it passed 3-2 with Colonel Young and Councilwoman Moss voting no."*

Mrs. Honey Minuse thanked the City Council for their kind comments in recognizing the City workers. She said they are very dedicated and work hard going above and beyond. She said the outrage in this community is growing with regard to the Riverhouse. She said the way the matter came forward and the way it has gone into a process is very insulting to the people who live here. She hoped that the City Council can adopt a very transparent process and include citizen participation as they go forward.

Mr. James Carr clarified that when he spoke earlier about the City of Naples it was not Naples, Florida, but Naples, Italy.

Ms. Linda Moore said that she is a member of the Economic Development Zone Committee (EDZC) and she has not been to a meeting yet because apparently all the meetings for the summer have been canceled. She said the Committee did not vote on that so Mr. Delvechio, who serves on the Committee, asked her to read a letter as he is unable to attend today's meeting. She then read the letter into the record. She said that she feels if someone doesn't want to attend meetings during the summer it is inconvenient because the work of the City doesn't stop during the summer. She said there are things that need to be done and she would like them done before Season.

Mayor Howle asked if the meetings were cancelled, wouldn't they need to have a vote.

Mr. Wayne Coment, City Attorney, said that he would think the Committee would want to vote on what meetings to cancel and not just have them cancelled arbitrarily by the Chairman.

Mayor Howle asked the City Clerk if she has heard anything about how this occurred.

Mrs. Bursick reported that the Chairman did ask that the June meeting be cancelled. She noted that they do have a meeting scheduled in July.

Ms. Joann Hall said one thing that prized her about Vero Beach is that they have remained small. She felt that if they allow a business to go into Riverhouse they would end up being like Brevard or Dade County. She asked that they have more publicly so people will know what is going on, rather than them hearing about it by word of mouth.

Ms. Vicky Gould said that she thinks this is different from the Seaside Grill and Walking Tree Brewery. She said there are very few places in Vero Beach to rent for meetings, wedding receptions, etc. She said that she has attended many meetings at Riverhouse and she would like to see the Riverhouse preserved for the residents to be able to have the opportunity to rent it if they would like to. She said that Seaside Grill has been there since she was a child and they have kitchen equipment, which she didn't think it could really be used for any other use. The building where Walking Tree Brewery is located was an empty cavernous building and they came in and put it to use for the public. This is very different than the Riverhouse. She said that she doesn't necessarily call the Riverhouse green space, but it is next to a Park. She doesn't understand how the thought of a private business going in there happened. She understands that they are stating that he (Mr. Bing) was before them to ask a question, but he kind of gave a little presentation. She said there was a directive of sorts that took place and no one knew that was going to happen. She said it is not a minority of people who are against this.

Dr. Zudans said that there are a lot of events held there that have alcohol. He said the Riverhouse was closed after the hurricane. So every time there is a big storm the Riverhouse gets destroyed and it does lose a lot of money. The Seaside Grill makes money for the City. He thinks that the alarm of not having the Riverhouse available for rentals is not true. He said nothing negative happened while it was closed after the

hurricane. He said they would save a lot of money by not having to maintain the upkeep on a building when they have three (3) underutilized buildings.

Ms. Gould said they can make the buildings more attractive and do more to make them more enticing and charge more for them. She felt that with a lot of the properties they discuss doing other things with, there hasn't been any money put into them to make them more attractive.

Dr. Zudans questioned where is the money to do that.

Ms. Gould said you have to put in money to make money.

Mr. Young said that Ms. Gould's input has been beneficial because it creates the discussion that they have always wanted and if they look at the Riverhouse the idea that was proposed to put a business of that nature there is so disruptive that he feels the public has made their voices known. From his vantage point putting in a brewery at the Riverhouse is disastrous.

Mr. Ken Daige said that he thinks they have heard a lot from their residents. He said this is their home, their City, and this is where they want to live. He said they understand they are always moving in a forward direction and are always trying to make it better. They are very concerned with commercialism coming into their Parks. He said they have green space that has been donated to the City by people who understood years ago that they would need this space for future generations. He said they have a number of large Parks and a number of small pocket Parks. Once they build over green space they do lose public access because public sectors charge what they want. Right now the Riverhouse is affordable, especially for those who are on a tight budget. He felt that they have heard enough from a lot of people who are not too cool with the idea of commercializing over by the boat ramp. What he has been hearing from the community is that they don't want it. He said the City Council is in charge and he hopes that they make a wise and prudent decision.

Mrs. Nancy Cook said there is one (1) other issue that should be considered, which is the potential for noise.

At this time, Mr. Brian Heady approached the dais.

Mr. Coment said that Mr. Heady has filed a lawsuit against the City and the City Council so he would ask the City Council not to make any remarks in response to anything that Mr. Heady has to say because they are in litigation.

Mr. Brian Heady said that he is suing the City on behalf of the residents of the City. He handed out to the City Council a document. He said that they have heard several things about the Dog Park, about alcohol, that it won't make any money, and several other things that he really doesn't care about. But, he is glad that people had the opportunity to voice their opinion. What he does care about is this City Council giving away their City

Parks and the fact that there are 36 of them in the City he would make it 46 if he had anything to do with it. He said the Mayor made it sound like it was no big deal and Councilwoman Moss insisted that it be read into the record because there was a motion passed. There was a motion made, it was seconded, and the motion passed. He said if they look at the litigation, one (1) of the reasons he is suing is because they have motions that they pass, that they vote on, and they don't allow public input and that is a violation of the Florida Statutes. He said that Councilwoman Moss didn't understand how that happened and he said that happened because that is what they do on a regular basis. He said Dr. Zudans said that the Riverhouse loses money. Mr. Heady said here is a newsflash, government is not a profit making organization. That is not what government is supposed to be doing. Government is a service organization and some things just don't make money. They are there for the public welfare. He said with regard to the comment about the Riverhouse being closed because of the hurricanes, there are other public buildings owned by the City residents that were closed because of the hurricanes and the City received insurance payments to restore the buildings and didn't restore them so they wound up in more litigation, which he thought cost about \$800,000 because they received the money to cover the renovations and then didn't do the renovations. The gazebo is a fine example. He asked did the ...

Mayor Howle thanked Mr. Heady stating that his time is up.

Mayor Howle said that he would like to take a break, but before they do, they previously approved changes to the agenda, but there is a Resolution on the agenda (item 5B-1) and there is a staff member and a County official to speak on it so he would like to move that item to be heard next on today's agenda.

The City Council agreed to hear item 5B-1) next on the agenda.

At this time, the City Council took a 10-minute recess and the meeting reconvened at 5:30 p.m.

Item 5B)-1: A Resolution of the City Council of the City of Vero Beach, Florida, Expressing Support for the City's Application to the Florida Department of Economic Opportunity Florida Job Growth Grant Fund for Public Infrastructure; Directing staff to submit an application; Providing for an Effective Date. – Requested by Mayor Harry Howle

The City Clerk read the Resolution by title only.

Mr. Tim Zorc, Indian River County Commissioner, reported that he and Mr. Menger have met on this matter a number of times. He said there was a prior application sent to the Department of Economic Opportunity (DEO) when the Governor first announced this sort of infrastructure fund and in looking at the first six (6) or seven (7) awards that the Governor made they were poised to retool that application and make it a City/County application. If this passes tonight he will ask that the County Commission pass the same

Resolution of support for the funding request. He said this will allow a great expansion of Indian River Boulevard that can service the new MRO facility that Mr. Menger has been working on. He said that he is supporting this Resolution individually until he gets it before the County Commission.

Mr. Young asked what is the intent for the funding.

Mr. Zorc said there is an existing project to take Aviation Boulevard from U.S.1 to 43rd Avenue, which he is sure there is some tweaking that would need to be done, as well as some improvements to Airport Road North, and they will probably need some shoulder and sidewalk improvements, etc., that would be included in the grant.

Dr. Zudans asked by them participating, are they committing the City to be spending taxpayer money or is this purely for grant money.

Mr. Zorc said this is purely for grant money.

Mr. Eric Menger, Airport Director, thanked Mr. Zorc and Mayor Howle for getting together on this because he thinks it is great support for the City and the County to work together. He said one (1) of the problems they have had is that it is Aviation Boulevard so it is not an Airport project, it is a road project.

Mayor Howle thanked Mr. Menger and Mr. Zorc.

Mr. Zorc said if this passes tonight and it passes at the County they will fill out the application together as a joint effort.

Mr. O'Connor noted that when making a grant application they are not obligating any funds until the grant comes back under a contractual agreement and then they determine if they are going to match or spend the money.

Mayor Howle opened the public hearing at 5:45 p.m.

Mr. Brian Heady said a comment from one (1) of the Councilmembers at the beginning of this discussion was that this was not anything that was going to commit any tax dollars. He said this will cost the taxpayers money and there are 10 Public Officials here who are all spending their time and energy on this issue, which is all committing tax dollars. He said that he is not opposed to making Aviation Boulevard something more than what it is and he would encourage that to happen sooner rather than later with or without grant money. He thinks it is a necessary project. He said it is interesting that when you come up and talk on these subjects the Mayor then goes off and says that the public comments are repetitive and regurgitation and that they are a small trite idiotic fear mongering group wasting the Council's time and that they are a small group who are whinny, squeaking and insane. He said these comments made by Public Officials about the public that they're suppose to serve is strange and mindboggling that they have so little disregard for anyone who disagrees with them or anyone who has a different point

of view. He said that is why they get sued. He said it was interesting that at the beginning of public comments when he was approaching the podium the City Attorney suggested that they not answer him. He said that he doesn't think the City Attorney had to give them any instructions not to answer any of his questions. He said that he didn't have to give them any instructions not to answer him because they never answer him. Dr. Zudans said the other day at a City Council meeting that just because they don't answer doesn't mean they don't know the answer they are just not going to tell them. Mr. Heady said that is an interesting philosophy that they get elected to represent the people, they know what the answers are, but they are not going to tell them. They are not going to tell them the answers publicly or privately.

Mayor Howle closed the public hearing at 5:49 p.m.

Councilwoman Moss made a motion to approve the Resolution. Colonel Young seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.

3. CONSENT AGENDA

A) Renewal of Submerged Lands Easement for City Utilities

Mr. O'Connor reported this is an easement that they do every 50 years.

B) Escrow Closing Agreement – COVB-FPL-FMPA transaction

Mr. Coment reported that this agreement has to do with the FMPA portion of the transaction having to do with the FPL sale. The escrow agent will just be holding the documents from both sides and at closing the agent will present all the executed documents.

C) Add on Item - Bid No. 140-18/CSS – Sodium Chlorite 15% Annual Supply Contract

Mr. O'Connor reported that they had two qualified bidders and it is approximately a \$45,000 a year cost, which they awarded the bid to the low bidder who was International Dioxide.

D) Add on Item - Final Payment Application to Ag-Scape Services, Inc. (DBA Florida)

Mr. O'Connor reported that this is the final pay for the work at the Airport. The total cost of the project was \$159,799.00 and the final payment is \$61,110.40.

Councilwoman Moss said a point of information on the FMPA, the escrow closing agreement, she attended the FMPA meeting last Thursday and as of that time she asked the General Counsel how many of the cities had completed their documents and the

number was 10. She said that he was very happy with that number given the time of year and the bulk of the documents, the tonnage involved, he was very pleased with that. She said so it is proceeding in a very good fashion.

Mayor Howle opened public comment on the consent agenda at 5:54 p.m.

Mr. Brian Heady said item 3-B is an escrow closing agreement and they are told that it is not about any money. He said of course it is about money. If they read the agreements they know it is about money. It is about the documents that tells what money is going where. The escrow agreements are in part a result of actions taken by this Council in which public comment was not allowed. He said that happens on a way too regular basis and that is part of the law suit that their Attorney doesn't want them to comment on. He said if they are taking votes and they do it without public comment they have done it in violation of the intent and the letter of the law. Florida requires that the public be allowed to speak whether they like how long they talk or how many times they come to speak. He said if they are going to approve an agreement that came about by actions, which weren't taken in accordance with Florida Law then what they are doing is approving a document that is fatally flawed from the very beginning. He asked that they take this into consideration. He said that each Councilmember has a copy of the Summons and Complaint and they can see where the complaint encompasses actions taken by the Council without public comment. He understands law and they are giving him the opportunity now for comment, but they are giving him the opportunity to talk about an escrow agreement that is fatally flawed to begin with because of their inappropriate actions and refusal to take public comment on the points that are encompassed in that escrow agreement.

Vice Mayor Sykes made a motion to approve the consent agenda. Dr. Zudans seconded the motion and it passed unanimously.

4. CITY COUNCIL MATTERS

A. New Business

B. Old Business

- 1) Petitions to Public Service Commission (PSC) for Approval of Florida Power & Light (FPL) Filings: Formal Response by Councilwoman Laura Moss to an erroneous allegation by Councilman Zudans (Supporting documentation is attached for the convenience of all.) – Requested by Councilwoman Laura Moss**

Councilwoman Moss said this is merely a point of information. She thanked Dr. Zudans for apologizing at the time and she acknowledges that. She said this was at the last meeting. There was a misunderstanding with regard to contacting the PSC. This was for their approval of everything having to do with the Electric sale. She said that she had sent her own letter. She did not send the group letter for reasons she explained at that

time and that being their Special Counsel did not think that it was appropriate either in content or the tone. So, she wrote her own letter and sent it. She thanked Dr. Zudans for apologizing at that meeting, but she viewed this as an opportunity to have the letter posted for the public to see so it is on the City website as an agenda item. She said that is what they are supposed to do, attach backup to agenda items, so she is trying to do that herself, boys. She said her formal response, which she read, *“A copy of my letter petitioning the Public Service Commission is attached for the convenience of all. It contains evidence of the hundreds of hours that I logged working on the sale of Vero Electric to FPL. I took an unprecedented approach to affect the sale, which had been stalled for more than 10 years. The outcome speaks for itself.”* She said that’s it. It is a point of information only.

Mr. Young said like Councilwoman Moss he did not endorse the letter to go forward because he felt if he was to send a letter forward then he would want it in his own words. He said if there is a perception there that the lack of a signature was in opposition to the measure that was taken, that was not the case. He said that he has expressed to FPL that it makes sense.

5. PUBLIC HEARINGS

A. ORDINANCES

- 1) An Ordinance of the City of Vero Beach, Florida, relating to the amount of Civil Penalties for Code Violations; amending Subsection (C) of Section 2-300, Civil Penalties, in Article VII, Code Enforcement, Chapter 2, of the Code of the City of Vero Beach; Providing for Codification; Providing for Conflict and Severability; and Providing for an Effective Date. – Requested by the City Attorney**

The City Clerk read the Ordinance by title only.

Mr. Coment explained that this basically ups the maximum penalty that can be put on a citation for general Code violations for a repeat violation within five (5) years or subsequent. He said \$500 is the maximum they can charge under State Law for this type of violation. He explained that Code Enforcement has requested this so they can have more teeth to deal with some of the recalcitrant violators where they can’t seem to get their attention with the \$250 fine.

Mr. O’Connor explained that what Code Enforcement is finding is, for example, with noise violations, the \$250 fee is becoming part of the violator’s operating costs.

Dr. Zudans asked does this also affect the short term rental issues where they could have a more significant fine.

Mr. Coment said that is already established in the Land Use Regulations at \$500 per day.

Mayor Howle opened the public hearing at 6:03 p.m.

Mr. Brian Heady said that he watched a televised meeting with Code Enforcement and there was a homeowner who lived on Holly Road and the person who was living there was having some problems. He said the lawn wasn't getting cut and the neighbors were upset. He said that he remembers when his neighbors were upset about his property because they didn't like all the raised gardens that he was putting in and the neighbors who walk the neighborhood now stop in front of his gardens. He said that his gardens do not need fertilizer or water and he is told often by his neighbors how much they enjoy seeing his gardens. He said the people who were walking by this gentleman on the beach didn't enjoy the high lawn and there were Code violations. The Code violations finally exceeded the value of many people's homes. It was incredible what they were trying to charge in Code violation to a person who was having serious problems. He remembers about 15 or 20 years ago there was a similar situation and he came before the City Council and the City Council didn't want to help these people. He said it was after a hurricane and the elderly couple was living in an Assisted Living Facility trying to get back on their feet after being wiped out by a hurricane. He said that he called Mr. Rhett Palmer stating that he needed to be on the show the following morning because he had something important to talk about. He said that he went on the Rhett Palmer show and asked anyone that was listening to meet him at the address of the house in question and he explained the circumstances during the show. He said that he was going to the property after the show and asked anyone in the community to come and help him help these people to get their property back in shape so that the City could save money on sending people out and writing more Code violations. He said it was inspiring to see the number of people who came out to help just from listening to one (1) radio show and the cry out for help for some people who needed it. He said if they want to do anything with these violations, rather than increasing the penalties, why don't they brainstorm and figure out a way of convincing people to meet reasonable rules and regulations. He said it is not reasonable when a City starts imposing \$100,000 - \$200,000 worth of fines because someone is not capable of mowing a lawn. He said clearly they needed help and he thinks the problem has been resolved (referring to the case that was televised). He said the owners of this property are from New Jersey and their son who has the issues was living in the house. He said there has to be a better way than these kinds of Ordinances with civil penalties. He thinks if they want to do anything that they eliminate these penalties and find a better way of making people do things that are in conformance with reasonable rules and reasonable regulations that makes this community what it is.

Mayor Howle closed the public hearing at 6:08 p.m., with no one else wishing to be heard.

Dr. Zudans made a motion to approve the Ordinance. Vice Mayor Sykes seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.

2) An Ordinance of the City of Vero Beach, Florida, amending Chapter 60, Appendix, Definitions, C-1 (Highway Commercial), M (Industrial), H

(Hospital and Institutional), and GU (Government Use) Zoning Districts and Chapter 63, Off-Street Parking and Loading requirements of the Land Development Regulations; Providing for Codification; 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. Tim McGarry, Planning and Development Director, reported that this is the second public hearing on this Ordinance. The intent of the Ordinance is to have a special land use classification so they can address detox facilities independently, which currently they are considered under medical services. This will keep them out of sensitive zoning districts. He showed on the screen the zoning map (on file in the City Clerk's office) that shows the areas where this would be permitted.

Dr. Zudans had some concern about the Industrial area because it abuts neighborhoods.

Mr. McGarry said there are some that are close to some residential, but the majority is not.

Dr. Zudans asked can a future City Council change the designation in certain areas.

Mr. McGarry answered yes. He said the City Council has full authority.

Dr. Zudans said that his concern is to the extent that it is close to residential areas.

Mr. McGarry said that he didn't know how they would get around that.

Mayor Howle asked what is the alternative to this.

Mr. McGarry said currently it is allowed in medical services, which is in many districts, including POI, which POI is near residential.

Dr. Zudans said before he was on the City Council the decision was made on locations medical marijuana dispensaries would be permitted, which the area was limited.

Mr. McGarry said it came down to a very small piece of land. He said that they could exclude the manufacturing zoning areas and just allow them in C-1 zoning areas.

Dr. Zudans felt the spot for the medical marijuana dispensary was well chosen. He said that he would like to see this same criteria. He asked how did they do that.

Mr. McGarry said they knew they had to put certain restraints on it. He said they basically created it as a conditional use and they could do that with this. He noted that even though it could go in those districts it is not guaranteed because it is not "as of right." The way this Ordinance reads it is a permitted use, which is "as of right."

Dr. Zudans said that he would prefer to have it as a conditional use.

Mr. McGarry said that he would need to revise the Ordinance.

Mr. Coment noted that because they were making it more restrictive they would need to start again with it as a first reading.

Mr. Sykes said that he had reservations about limiting it to that degree. He felt there were opportunities to help people. He said there are reasons that these facilities go into a somewhat nice setting.

Dr. Zudans said his understanding is that these are methadone clinics, which are basically heroin withdraw dispensaries.

Mr. Sykes thought these were rehabilitation facilities.

Mr. McGarry said no, they are drug treatment facilities where they do detox and methadone would be one (1) of the methods used.

Mr. Sykes said then it is not a rehabilitation facility. It has nothing to do with alcohol.

Mr. McGarry said it is a rehabilitation facility from that standpoint. It is a substance abuse facility. It is intended to be a commercial type program.

Mr. Sykes said that is the clarification that he needed.

Mr. Coment said it is basically an outpatient type of situation.

Mr. McGarry said they could have overnight stays.

Mr. Young said in looking at the map and understanding the locations, he would be more comfortable in having it as a conditional use.

Mr. McGarry said that he would take this Ordinance back to the drawing board and bring it back before the City Council for first reading.

Mr. Coment explained that a conditional use is a use that is permissible, but the City can attach conditions to it.

Mayor Howle asked in this situation would they need to take a vote and decline the Ordinance.

Mr. Coment suggested that they make a motion to table the Ordinance and give direction to staff to bring the Ordinance back before them with modifications.

Mayor Howle opened the public hearing at 6:22 p.m.

Mr. Ken Daige said that he is in complete agreement with the conditional use. He said that there was a similar situation on his street where there is a center that does rehabilitation, but there are constraints on that center and it is close to the residents. He appreciates the City Council sending this Ordinance back to the drawing board.

Mayor Howle closed the public hearing at 6:23 p.m., with no one else wishing to be heard.

Mayor Howle made a motion to table this Ordinance until which time it has been revised and can be brought back before Council. Councilwoman Moss seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes, and Mayor Howle yes.

- 3) An Ordinance of the City of Vero Beach, Florida, amending the Code of the City of Vero Beach to add a new Section 2-57 in Chapter 2, Administration, to be entitled “Ex Parte Communications”; removing the Presumption of Prejudice from Ex Parte Communications with Local Public Officials of the City by establishing a process to disclose Ex Parte Communications with such local Public Officials; Providing for Codification; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the City Council**

The City Clerk read the Ordinance by title only.

Mr. Coment explained that this Ordinance doesn't change procedure wise, but codifies it. It also removes the presumption of prejudice as found by the Courts. It shifts the burden to anyone who has an objection to prove there was prejudice.

Dr. Zudans said every person on the City Council, the Planning and Zoning Board, etc., that has authority for these types of things are still required to disclose any ex parte communication ahead of time. It is just that there's not a presumption of bias.

Mr. Coment said it only has to do with quasi judicial proceedings and as long as the procedure is followed and the disclosure is made it removes that presumption of prejudice.

Mr. Young said a few days ago he was told to report to jury duty and at that time they said as a member of the jury they were not permitted to do their own independent research. He asked does this Ordinance allow a Councilmember to go out to a location that would be involved in a matter and come to their own conclusions and then they are to tell the City Council.

Mr. Coment said that is correct.

Mr. Young said then the Court is telling them not to do that and with this it would be allowed. He didn't understand the difference.

Mr. Coment said this is different. What they are discussing here is for quasi judicial hearings where there are situations that they are determining people's rights.

Mr. Young asked does this allow for increased exposure by the City Council.

Mr. Coment explained that this shifts the burden of proving there was prejudice against the person making the claim.

Dr. Zudans said it reduces the risk to the City Council because instead of the City Council having to prove they weren't bias to someone else that would have to prove that they were bias.

Mr. Young said that he has the fear of someone making an allegation. Therefore, he is not going to even go down that road. This acts as a barrier to him right now. If they shift the burden he could go out and have conversations.

Mr. Coment said it is a personal choice on how far they want to go. It is up to the individual members of the City Council, Planning and Zoning Board, etc. If they do have a conversation, have a site visit, do an investigation, etc., on their own they still have to report it. It just removes that presumption of prejudice.

Mayor Howle said in his 12 years of serving on Boards/Commissions for the City, most specifically on the Planning and Zoning Board, this to him is a better way of doing it.

Councilwoman Moss asked does this imply a requirement to visit the site.

Mr. Coment answered no. It is strictly up to the member of the City Council, Commission, or Board. The only requirement is to remove that presumption of prejudice that the Courts have said exists.

Dr. Zudans said the Legislature said the way the Court interpreted it was not the way it was intended. He felt it was a good government issue in that they could do their job even better if they choose to do so.

Mr. Coment said it codifies the procedure so everyone knows what it is and the added benefit is the removal of the legal fiction of a presumed prejudice.

Mayor Howle opened the public hearing at 6:33 p.m.

Mrs. Honey Minuse said that it has been her pleasure to serve on the Planning and Zoning Board for the past seven (7) years. She said that the Board recently had a brief discussion on ex parte communication and by a 3-2 vote it was the recommendation of the Board that the City Council consider removing the presumption of prejudice on these

matters. She said that she was one (1) of the two (2) votes that opposed this and she would like to explain why. She said over the years the Board has been comprised of members of varying backgrounds, which has been wonderful. She said it has contributed to their discussions; they listen and learn from each other, they discuss different views, etc., which she felt led to very good decisions for this City. Their process required them to listen to information that comes from staff, from applicants, from appellants, etc. They were always provided with backup in advance of the meeting and studied them. They all came to meetings with the same information. During the meetings they ask questions of staff, applicants, etc., and they all heard the same answers. It was a level playing field. She said on matters that came before them on a quasi judicial basis their decisions were always based on competent and substantial evidence. They made decisions based on the City's policies. In this process they had the obligation to disclose ex parte communications, which basically identified knowledge or communication that a member of the Board would identify knowledge that not everyone had and was not part of the public record. She said it could be communication that a Board member had with the applicant, regardless of who initiated it. It could be something written or spoken by people for or against the matter. It could be a site visit and it could also be a private investigation. She noted that if they did receive something written they are required to submit it to the City. She said this is the reason they always ask at the beginning of the hearing if there has been any ex parte communication and if so the member would state if there was and if there was bias or prejudice that would influence their vote. She said all of this was very clearly a matter of record. It concerns her that they are looking at changing this. She asked the City Council to consider what is being done because she feels it will open a new set of challenges to what they are doing.

Mayor Howle said that he appreciates her input. He felt that if he was still sitting on the Planning and Zoning Board that he would have voted for this. He is going to vote yes on this Ordinance.

Mrs. Minuse said that she is just asking them to really consider this because it is a big move. It changes everything, not just on the Planning and Zoning Board, but for the City Council. She did not see the need to change something that has worked so well over the years. They have been on a level playing field. She said they had a gentleman come before them earlier that said "if it isn't broke, don't fix it." She said that she also has a saying, which is "if you act in haste, you repent in leisure." She asked the City Council to give this careful consideration and possibly table this to their next meeting and have more discussion on it. She said it concerns her greatly.

Mr. Ken Daige said that he sits on the Planning and Zoning Board as the Alternate #2 member. He asked that whatever they decide to do that they make the rules very clear. It is his understanding now when a matter comes before the Board that is quasi judicial that they are not allowed to speak to anyone about the situation and they are not allowed to visit the site. He asked that if they allow site visits or conversations that they make sure people know how to disclose it. He said they have had some adverse affects come up in his neighborhood and it would have been nice if members of the Planning and Zoning Board could have been able to go there and look around as to what was going to happen

to others in the neighborhood. He said if they are allowed to do this a Board member could state that they know they approved something because it was done according to the law, but it is not working out for the neighborhood and suggest that they look at changing the Code. He asked if they do anything that they make it very clear so the Board members know how to conduct themselves properly according to the law.

Mayor Howle closed the public hearing at 6:42 p.m., with no one else wishing to be heard.

Mr. Young asked if they were to go through with this, would it necessitate additional guidance be provided to the various Board members so they understand the implications of it.

Mr. Coment said they do the same thing now. He explained that when there is a quasi judicial matter they are provided with an outline of the procedure to use and one (1) of the very first things is ex parte communications. What he would advice the Boards/Council to do is once the disclosure is made that they ask the parties if they have any questions of the member as to the communication, site visit, etc.

Dr. Zudans said when the parking issue on the beachside near Bobby's Restaurant came before the Planning and Zoning Board everyone felt the pain of the people there and thought it was not good to allow this restaurant to go in because there would not be enough parking. But, that is not what the Planning and Zoning Board does. They decide if it meets the Code and does it state that they have the right and the Board did the right thing and said they didn't like the rule, but their job is to follow the rules. That is why they shouldn't just assume the Board is bias because they have a particular opinion about certain things. Their job is to say whether or not the person has the right or doesn't have the right to do it.

Mr. Sykes said they have to vote according to the Code.

Mr. Coment said that is exactly right. If the applicant has shown that they meet the Code, it is clear cut. They have to grant the application. If they have someone who is opposed to the project and they have put on competent substantial evidence that shows it doesn't meet the Code or it is in violation of the Comprehensive Land Use Plan then there is discretion to decide which way to vote on the matter. The key is if and when it gets appealed to the Court. He explained that there are three (3) things the Court looks at and one (1) of them is, was there competent substantial evidence to support the decision that was made. If that is in the record then they have to affirm the decision of the Board.

Dr. Zudans said none of this takes away the obligation of the Board members to report any of these conversations and to give the opportunity to cross examine.

Mr. Coment said it reinforces it.

Mr. Sykes remembered that Mr. Coment had previously stated that this was unnecessary.

Mr. Coment said that is because it doesn't change the procedure the City has used for years. The only thing it adds is that provision of the Statute that incorporates the removal of presumption of prejudice. He said they have always encouraged Board members that are going to be hearing a quasi judicial matter not to do site visits or have conversations with the parties or to the public about that quasi judicial matter. This removes that unwritten rule that they have always professed. He said there is no law against it, but they encouraged disclosure of it so the parties could ask about it.

Mr. Young asked is this now the standard for municipalities in Florida.

Mr. Coment said it is common.

Mayor Howle noted that the Planning and Zoning Board voted 3-2 in favor of it.

Dr. Zudans made a motion to approve the Ordinance. Mayor Howle seconded the motion and it passed 3-2 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss no, Vice Mayor Sykes no, and Mayor Howle yes.

B. RESOLUTIONS

- 1) **A Resolution of the City Council of the City of Vero Beach, Florida, Expressing Support for the City's Application to the Florida Department of Economic Opportunity Florida Job Growth Grant Fund for Public Infrastructure; Directing staff to submit an application; Providing for an Effective Date. – Requested by Mayor Harry Howle**

This item was heard earlier in today's meeting.

Add on item

- 2) **A Resolution of the City of Vero Beach, Florida, Authorizing Execution of New Statewide Mutual Aid Agreement dated February 26, 2018.**

Mr. O'Connor reported that this is a Mutual Aid Agreement that is being pushed through the State asking all local governments to sign on. This is for any type of natural disaster and sets out the guidelines for reimbursement, etc.

Mr. Coment noted that this is a replacement of an earlier agreement that goes back quite a few years.

Mayor Howle opened and closed the public hearing at 6:50 p.m., with no one wishing to be heard.

Vice Mayor Sykes made a motion to approve the Resolution. Councilwoman Moss seconded the motion and it passed 5-0 with Dr. Zudans voting yes, Colonel Young yes, Councilwoman Moss yes, Vice Mayor Sykes yes and Mayor Howle yes.

6. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing to be held on July 17, 2018 at 3:00 p.m.

- A) **An Ordinance of the City of Vero Beach, Florida, related to the City of Vero Beach Firefighter's Relief and Pension Fund; amending Section 58-79, Limitation on Benefits, Required Contributions, and Plan Termination, in Chapter 58, Personnel and Retirement, of the Code of the City of Vero Beach, to update Tax Compliance provisions required by the IRS Code; Providing for Codification; Providing for Conflict and Severability; and Providing an Effective Date. – Requested by the Fire Pension Board**

The City Clerk read the Ordinance by title only and announced that the public hearing would be held on July 17, 2018 at 3:00 p.m.

Public Hearing to be held on July 17, 2018 at 3:00 p.m.

- B) **A Resolution of the City Council of the City of Vero Beach, Florida, Adopting a Revised Schedule Providing Fees and Charges for use of certain Recreation Department Facilities and Equipment and for Participation in certain Recreation Programs; Providing for an Effective Date. – Requested by the Recreation Director**

The City Clerk read the Resolution by title only and announced that the public hearing would be held on July 17, 2018 at 3:00 p.m.

7. CITY CLERK MATTERS

- A) **Commission/Boards**

The City Clerk reported that there are a couple reappointments to some of the Commission/Boards. Mr. Peter Bernholz and Mr. Walter Geiger of the Architectural Review Commission would like to be reappointed; Mr. Peter Robinson of the Board of Building Appeals would like to be reappointed; Ms. Deborah Atwell of the Historic Preservation Commission would like to be reappointed and Mr. Joel Herman of the Veterans Memorial Island Sanctuary Advisory Commission would like to be reappointed.

Dr. Zudans asked were there any applications for these positions.

Mrs. Bursick answered no.

Mayor Howle opened and closed public comment at 6:52 p.m., with no one wishing to be heard.

Dr. Zudans made a motion to approve. Vice Mayor Sykes seconded the motion and it passed unanimously.

Mrs. Bursick reported that on the Tree and Beautification Commission, Mr. Daniel Downey's appointment expires on June 20, 2018 and he does not wish to be reappointed. Ms. Elly Manov serves as Alternate #1 and Ms. Fran Robinson serves as Alternate #2 and they both wish to be moved up, which would leave an open position of Alternate #2. She reported that they have one (1) application on file from Mr. Neal Roe who would like to serve on the Tree and Beautification Commission.

Mayor Howle opened and closed public comment at 6:54 p.m., with no one wishing to be heard.

Vice Mayor Sykes made a motion to approve the appointment of Mr. Neal Roe to the Tree and Beautification Commission. Dr. Zudans seconded the motion and it passed unanimously.

Mrs. Bursick reported that the Code Enforcement Board has two (2) alternate positions open; the Fire Pension Board has one (1) full position open and the Historic Preservation Commission has one (1) alternate position open.

8. CITY MANAGER MATTERS

A) Vero Beach Downtown Post Office Site

Mr. O'Connor reported that the proposal letter was sent and the City received three (3) responses. One (1) was from the RedevGroup Incorporated who proposed to purchase the property for \$1.2 million, but they had a lease back provision where the City would lease the property back. The second was from the National Wide Postal Management and they were proposing a purchase price of \$1.225 million net to the City at closing. Later in the day they received an offer upping the \$1.225 to \$1.3 million. Integra Real Estate Investments proposed a purchase price of \$1.2 million, but stated that they would match the \$1.225 million. About 14-minutes before today's meeting they received from Nation Wide Postal Management where they changed their proposal a little. They stayed at the \$1.3 million net to the City, but added that if the Post Office moved the City would have the right to purchase the property back at the appraised value. His recommendation is that they continue negotiations with Integra Real Estate Investments. They have several reasons for that with one (1) being that they are matching the price and two (2) is they have experience with the redevelopment that this company has done here. In his conversations with Mr. Rechter he believes that the Post Office is a valuable customer. Also, if there was redevelopment of the property he thinks that Mr. Rechter would take into consideration as to how to make it conform with other investments that he has made on 14th Avenue.

Mr. Young felt that everyone is aware of his concern for this. As he was looking back through some of the paperwork he chuckled because in Mr. Rechter's own words he stated while he would strongly advise the City not to sell the property, but if they insist on going forward with this that he wants to be part of the ballgame. Mr. Young said his

concern has always been that they have the right fit for this property and have some consideration for the future.

Councilwoman Moss thought it was Mr. Joe Cataldo who advised them in the same manner at the City Council meeting when this first came up. He basically expressed the same sentiment, that this is not something that they should do at this time. She agrees with both gentlemen, Mr. Rechter and Mr. Cataldo, that this is not something that they should do at this time. She said, look the price is going up by the minute. She said 14-minutes before the meeting the price is going up. She said it is going up very fast.

Mr. O'Connor noted that the price didn't go up; the terms changed.

Councilwoman Moss said it is getting better and better by the minute. She thanked Mr. Rechter and Mr. Cataldo for being so forthright about that; about this issue. She said you really care about the community and she appreciates that. Thank you.

Mayor Howle said that he would like to see, within reason that the property goes to a local person who has stock in their community. He said obviously if there was a large gap between offers that he would have to take that into consideration as well. He echoed Councilwoman Moss that they appreciate these two (2) gentlemen in their efforts on this matter.

Mr. Sykes asked are they taking a vote on this.

Mr. O'Connor answered yes. He explained that the vote would be to direct him to negotiate a final contract to bring back before the City Council.

Councilwoman Moss asked are they going to hear from each of these gentlemen.

Mayor Howle said if they would like.

Councilwoman Moss asked would either of these gentlemen like to address the Council.

Mayor Howle asked when did Integra Real Estate Investments increase their bid.

Mr. O'Connor said it was around June 16th or June 17th.

Mayor Howle said without a huge disparagement he would rather see it go to someone local and Mr. Rechter has a very good track record of being an intrical part of their community and making it a better place to live.

Dr. Zudans said everything that he has seen Mr. Rechter do in this community fits with the culture of their community and makes it a better place. He said that he has confidence that if he gets involved in a project like this or if something happens other than the Post Office being there that it will be the same type of quality. The other way he looks at this is if the City didn't own the building currently, would they go out and

purchase it in order to get government in the business of leasing the building. He would say not in a million years. He said not only should they sell it, but they should sell it to the person who the City has a track record with.

Mr. O'Connor noted that Integra Real Estate Investments does have a site where the Post Office is located so it is not a tenant that they are not accustomed to.

Mr. Sykes said they are putting the risk on private industry and not the taxpayer.

Mr. Joe Cataldo, President of RedevGroup Incorporated, said that he was very much against the City relinquishing control personally and on behalf of the Economic Development Zone Committee, which that didn't go anywhere. He explained that when he formulated the offer it was to give the City back control by leasing it back with the same termination rights as the Post Office. But, it seems like that is not the direction the City wants to go in. He said that he had also stated that he didn't think it should just be about price and he thinks that Mr. Rechter said the same thing. He said they want someone who really cares about the City and his opinion if it's not the City the next best thing is Mr. Rechter so he would support him.

Mr. Michael Rector, of Integra Real Estate Investments, said that he personally was against this. He said that he didn't have the opportunity to address it verbally until today. He did write a letter or two (2) (on file in the City Clerk's office). He said that he and Mr. Cataldo are very different in terms of personalities, but they both care about the City and they both looked at it the same way. He said they thought it made sense to retain ownership of an asset that was producing income and control their own destiny as a City. Obviously the vote was 3-2 against that idea and going forward with the sale. He stated in the letter that although he would advise against it, in the event they choose to move forward that he would at least like to be involved with the future of it. He said that he has invested a lot of money into the Downtown and into Vero Beach. He said Downtown specifically has been the apple of his eye and he has tried to make it better. He said this property is unique. They don't have a huge Downtown and there are not that many properties of this size. He said this past week has been interesting in that he is the reason it is being bid up. He believes the Old Diesel Plant project was a great example of how to dispose of a property properly. He said that he was the winning bidder, but was not the highest bidder. That process was judged on three (3) criteria, which was 30% financial, 40% development experience and 30% the future concept. He said that he doesn't know what is going to happen with the Post Office as to if they would want to renew or if they would want to terminate. He said that he has been the landlord of a postal service on US1 since 2005 and he doesn't want them to go anywhere. He said that the new price by the other bidder was \$1.3 million. He asked is he now being asked to pay the \$1.3 million or does his offer of \$1.225 million stand. He asked to pay \$1.3 million or \$1.225 million stand and does it end there.

Mr. O'Connor said if the City Council instructs him to negotiate with Mr. Rechter it will be at the \$1.3 million. There will not be any other bids after that. However, if in their

discussions something comes up and the number goes down he would bring that to Council.

Mr. Sykes asked Mr. Rechter if he is interested in purchasing the property or is he solely doing it because of reasons that he stated.

Mr. Rechter said that he is doing it to some extent to protect the City against a bad owner. He said that he is dead serious about that. He had no interest in it, it has a return that is okay, he can find better returns elsewhere, but to see that parcel that is one (1) block from what he has just invested in controlled by someone who really has no interest in the City to some extent.

Mr. Sykes asked assuming the City was to hold onto this, is this something that he would entertain in the future.

Mr. Rechter said as mentioned in his letter it would behoove the City to do so. He is present today because the City chose not to go forward with his recommendation. He said that he sent an email that outlined the value of the building without the Postal Service. He said that four (4) years ago he paid \$480,000 for the property that is now Post and Vine Restaurant. He noted that Downtown was not as good as it is today four (4) years ago.

Councilwoman Moss said Mr. Rechter is here basically to rescue the City from what potentially could be a bad buyer. She said if the five (5) of them said no, that they didn't want to sell it, Mr. Rechter would think that was the right decision. She said that was his initial advice. She questioned that hasn't changed.

Mr. Rechter said that he would not think it was unwise.

Councilwoman Moss said that she still believes the City should not sell it at this time.

Mr. Rechter said assuming the City is selling it, he jumped into action on a property that he had no real interest in.

Councilwoman Moss said that she appreciates that. That speaks volumes. Thank you.

Mr. Young said it sounds to him that he (Mr. Rechter) sees an opportunity and if he was Mr. Rechter he would be doing the same thing.

Mayor Howle said Mr. Rechter is a great part of their community and has done a lot of great things. That to him is going to hold a lot of weight for him.

Mr. Sykes said his concern with this is the risk of losing the lease on the property and then perhaps deferred maintenance that they have seen on the building and future costs the City would bear to fix it.

Mr. O'Connor said if they had a vacant building sitting there they would be in a world of trouble. He said they have a good lease, but from his perspective the value to the City is that lease, which has exit clauses by their tenant. Not by the City. He said the reason he would recommend to sell it was only because of the City's experience of trying to do something with a piece of rental property that was abandoned.

Dr. Zudans said owning that building is not a critical service of their City government. This is something that they really don't belong in the business of.

Mayor Howle said if the lease did end the City would be in a fix.

Mayor Howle opened public comments at 7:34 p.m.

Mr. James Carr said that he appreciated what Mr. Rechter had to say and he appreciates the offer. He just wanted to point out if the City sells the building they will spend the money and then they won't have the money and they won't have the building. He urged the City Council not to get into that position.

Mr. Ken Daige said the Post Office has been in business there since 1965, which is a solid history of them paying their rent. The Post Office was thinking of moving and received a lot of pressure so they stayed there. He said if the City Council is going to do anything at all and the votes are there to sell the building and property, he would recommend going with a local developer. He said if they do anything at all that they keep it local. He then read a prepared statement into the record (on file in the City Clerk's office).

Mr. Sykes appreciated Mr. Daige's suggestion and he feels that Mr. Rechter has the best interest of the City in mind. He said for him, the stormwater issue has been a huge thing and he has been opposed to a utility and has been trying to figure out a way to get some money to do that. He is not opposed to hiring another school resource officer so he would like to see this money go to stormwater projects and perhaps for a couple Police Officers.

Mr. O'Connor noted that this is a one (1) time cash infusion.

Mr. Sykes understood that, but they have a pretty good outline about the stormwater projects that Mr. Falls wants to do. He said this to him is more valuable to say they are going to take this money and invest it into the Lagoon.

Councilwoman Moss said presumably they have the \$30 million cash infusion from the sale to FPL.

Mr. Sykes understood that, but they have to start somewhere. He said that he would love to see this money go to stormwater projects.

Mayor Howle said that he appreciates the commentary and still feels this is a liability to the City.

Mayor Howle made a motion to instruct the City Manager to continue negotiation with Integra Real Estate Investments.

Mr. Young said American Icon Brewery is an asset and he appreciates everything that Mr. Rechter has done. But, this piece of property is right next to Pocahontas Park and is a piece of property that should be retained and controlled by the City.

Dr. Zudans seconded the motion.

Councilwoman Moss said that she plans to vote against this, but that is with a sincere thank you to both Mr. Cataldo and Mr. Rechter for coming forward, for being so forthright with their advice of advising against selling it because they really care. But, they are willing to step in and save them from themselves in a sense. God bless them for that. She said it could be a movie from the 1940's.

The motion passed 3-2 with Colonel Young and Councilwoman Moss voting no.

9. CITY ATTORNEY MATTERS

A) Use of City Seal and City Centennial Logo

Mr. Coment said this issue came about because the City Clerk received a request from someone who wanted to use the City Seal and they don't have an established policy. He noted that State Law does allow for adoption of a local Ordinance to prohibit the use of City Seals without permission of the governing body, which he would recommend that the City adopt. He said this request was really for commercial use and through their research most cities do not allow use of their Seal to be used for commercial purposes. This request was from someone who wanted to put the City Seal on Christmas ornaments to sell. He said it is up to the City Council if they want to allow this. He reported that the only instance that he has had since being with the City was that the Police Shield was licensed for the Mattel Corporation to put the Shield on their hot-wheel cars. He said if the City Council wanted to allow this he would recommend that they do a license, which would have a license fee.

Dr. Zudans asked if they have a policy like that can they decide which items they are willing to license and not license.

Mr. Coment answered yes. He said historically the City Seal is only used on City vehicles, City stationary, etc. He said the Marina has shirts that they sell, which is still done by the City. It is not done by an unrelated City enterprise.

Councilwoman Moss asked Mr. Coment if he knows if the party that is making this request would be interested in the Centennial Logo, rather than the City Seal.

Mr. Coment said there was mention of that, but the problem is that City Seals cannot be trademarked, but they are the property of the City. It is the City's brand. In his tenure with the City only twice has he found it being used for a commercial purpose and that was because it was pointed out to him and in both those instances he sent a letter to cease and desist using it unless they came before the City Council and received permission. In both instances they stopped using the Seal.

Mayor Howle asked would these licenses expire.

Mr. Coment said it could be for a set for a number of products, it could be for a time period, etc. He said it is something that is valuable to the City and so it should be taken into consideration about whether or not they would license it for commercial purpose.

Mr. Sykes asked if they trademarked the Centennial Logo.

Mr. Coment said the Centennial Logo is trademarked with the State. He said under Federal Law they cannot trademark local government Seals. He said they never found anything where the Seal has official been adopted by Ordinance or Resolution. He said that he would propose if they were to bring back an Ordinance is to include all the City emblems that they want to try to protect.

Councilwoman Moss said that she designed a logo and it was trademarked on the Supplemental Registry. There was another way to do it, so they did have it trademarked, but it was Supplemental Registry.

Mr. Coment said the protection the State gives if they do adopt an Ordinance adopting the official Seal, it would then become a misdemeanor if it is used without permission of the governing body.

Mayor Howle felt they should secure the Seal, whether they allow for commercial use or not. He said that he does have reservations with the Seal being used for commercial use, but on the other hand he felt if he saw a Christmas ornament with the City Seal, he would probably buy it.

Mr. Coment said these are things that the City could do.

Councilwoman Moss said that she was just thinking that.

Dr. Zudans said as long as they have control of what products it goes on, he doesn't have a problem with it. He thinks the Christmas ornament is a great idea. He didn't see a problem if people are going to give the City a license fee and it is a product that the City doesn't have a problem with, then he is all in favor of it.

Mr. Young said the specificity for the Centennial is not going to happen. He asked do they need an order to protect the Centennial Logo in addition to the trademark.

Mr. Coment said if an Ordinance is adopted that adopts the Official Seal they can include the Police Shield, the Airport Logo, etc., it would state in the Code not to use them without permission of the governing body. He asked for the City Council's direction as to if they would be interested in licensing the City Seal for commercial use or if they want to not allow commercial use.

Mr. Sykes didn't think it made any sense to do it unless the City was getting a substantial royalty.

Dr. Zudans said that he is in favor of doing it.

Mr. Young said then what Mr. Coment's concept is that all the various emblems associated with the City would come under one (1) Ordinance and in addition to that they would have carry a misdemeanor weight for the Seal.

Mr. Coment said that is the Ordinance. He explained that if they were to license the use of the City Seal staff would bring that License Agreement back before the City Council.

Mayor Howle asked if the City Council instructed staff to move forward with this he would ask that there be a license expiration date where it would have to be reinstated after a certain period of time.

Mr. Coment said they could do it for just one (1) production run or something like that.

Mr. Sykes said it makes sense based on a production run or a quota because no one knows how long it would take someone to sell the item and it could be sold after the time the license agreement expired. He didn't know if there is really any benefit to the City in doing this.

Mr. Coment said another option is that they don't have to license it. They could just give permission to use it.

Mr. Sykes said that he would be inclined to look at a License Agreement with some sort of royalty involved. He suggested that they look at what the City of Malibu is doing.

Mr. Coment reported that the cities in Florida that they looked into do not allow use of their Seal for commercial purposes.

Dr. Zudans felt that if someone wanted to put the City Seal on an ornament that would be good for the City. He said that is marketing of their community.

Mr. Coment said people can go to Wal-Mart for example and purchase all kinds of shirts that say "Vero Beach" on them in different ways. They don't use the official Seal of the City of Vero Beach.

Dr. Zudans didn't see any harm with this. He didn't think it would take the City Attorney's office long to put this together.

Mr. Coment said they would model it based on the Mattel License Agreement when they used the Police Shield.

Dr. Zudans made a motion that staff provides the City Council a copy of the Mattel License Agreement and in the meantime puts together an Ordinance to bring back before the City Council.

Mayor Howle opened and closed public comment at 6:36 p.m., with no one wishing to be heard.

Mr. Coment said that he would distribute to the City Councilmembers a copy of the License Agreement with Mattel and put to together an Ordinance to bring back before the City Council.

10. COUNCILMEMBER MATTERS

A. Mayor Harry Howle's Matters

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

Mayor Howle reported that he attended the Vero Beach Pride fundraiser at the Heritage Center.

B. Vice Mayor's Lange Sykes's Matters

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

None.

C. Councilmember Laura Moss's Matters

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

Councilwoman Moss reported that this weekend the Live Like Cole Foundation is having a fundraiser golf and luncheon at Grand Harbor.

D. Councilmember Anthony W. Young's Matters

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

Mr. Young reported that the gazebo at Riverside Park should be done in the September, October timeframe.

Mr. O'Connor reported that 95% of the work has been done at the Riverhouse.

Mr. Young reported that Mrs. Bursick is working him very hard on the schedule for the Centennial Celebration. He then named the sponsors that are involved, noting that they are critical to making this Celebration as explosive and as fantastic as possible. Also, all the local schools are engaged, as well as some of the private schools, which he named. He reported that the next meeting for the Centennial Celebration will be held tomorrow at the Community Center at 10:00 a.m. He thanked everyone involved in making this come together. He wished everyone a Happy 4th of July.

Councilwoman Moss asked that before they close today's meeting that the City Clerk announce the dates and times of the Budget Workshops for the community.

E. Councilmember Val Zudans's Matters

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

Dr. Zudans reported that he was at a talk where Mr. Eric Flowers of the Sheriff's Department was speaking. He said that he spoke with Mr. Flowers and apparently the Law that was recently passed by the State Legislature tasked the Sheriff's Department with having a School Resource Officer in every school. Dr. Zudans said the reason why he is bringing this up is because of the upcoming Budget Hearings and he felt that the Sheriff's Department is more than willing to do this, which this would benefit their taxpayers. He did ask the City Manager to relay his preference to explore this because it is a significant potential cost to the City in adding two (2) more Police Officers to the Police Department. He said the Sheriff's Department may be getting funding from the State to offset a large portion of this whereas he was not sure that city government would receive funding from the State. He wanted to encourage the City Council that they look into this a little further.

Mrs. Bursick reported that the Budget Hearings will be held on July 10th, 11th, and 12th beginning at 9:00 a.m.

12. ADJOURNMENT

Today's meeting adjourned at 7:56 p.m.

/sp