

RESOLUTION NO. 2015 - 23

**A RESOLUTION OF THE CITY OF VERO BEACH, FLORIDA, REPEALING AND REPLACING RESOLUTION 2010-11, AND AMENDING THE VETERANS MEMORIAL ISLAND SANCTUARY AUTHORIZED USES AND MEMORIALS TO CONSOLIDATE, CLARIFY, AND UPDATE THE USES AND RULES UNDER WHICH THE VETERANS MEMORIAL ISLAND SANCTUARY IS GOVERNED AND MAINTAINED; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Resolution No. 2010-11 provides for rules and regulations pertaining to Veterans Memorial Island Sanctuary (“Sanctuary”) with the goal of creating a quiet haven for reflection on the sacrifices made by the men and women in the Armed Forces of our Country, and as a memorial to Indian River County’s military heroes, and

WHEREAS, at its July 1, 2015 Committee meeting, the Veterans Memorial Island Sanctuary Committee (“Committee”) voted to recommend the attached changes to the Sanctuary Authorized Uses and Memorials to consolidate, clarify and update the provisions as they have been amended over time; and

WHEREAS, such proposed changes have been reviewed and recommended by both the Veterans Council of Indian River County and the Committee; and

WHEREAS, the City Council of the City of Vero Beach finds that the recommended changes will serve to further preserve and ensure the Sanctuary as a quiet haven for reflection on the sacrifices made by the men and women in the Armed Forces of our Country,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VERO BEACH, FLORIDA, THAT:**

Section 1. Veterans Memorial Island Sanctuary Authorized Uses and Memorial Rules.

In accordance with Section 54-31(e) of the City of Vero Beach Code of Ordinances, the amended rules and procedures pertaining to the Veterans Memorial Island Sanctuary, as shown in Attachment "A" attached hereto and incorporated by this reference, are hereby adopted:

**SEE ATTACHED ATTACHMENT "A"**

**Veterans Memorial Island Sanctuary Authorized Uses and Memorial Rules**

Section 2. Repeal and replacement.

Resolution No. 2010-11 is hereby repealed and replaced by this Resolution No. 2015-23.

Section 3. Conflict and severability.

The provisions of this Resolution shall control over those provisions of previously adopted resolutions in conflict herewith. If any provision of this Resolution is held to be invalid, unconstitutional, or unenforceable for any reason by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining portions.

Section 3. Effective date.

This Resolution shall become effective upon adoption.

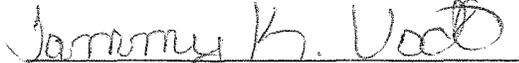
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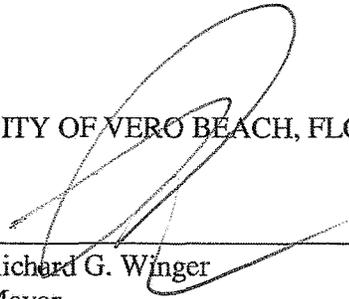
This Resolution was moved for adoption by Councilmember Turner, seconded by Councilmember Kramer, and adopted on the 21<sup>st</sup> day of July, 2015, by the following vote:

- |                                      |   |   |
|--------------------------------------|---|---|
| <b>Mayor Richard G. Winger</b>       | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No               |
| <b>Vice Mayor Jay Kramer</b>         | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No               |
| <b>Councilmember Amelia Graves</b>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No               |
| <b>Councilmember Pilar E. Turner</b> | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No               |
| <b>Councilmember Randolph B. Old</b> | <input type="checkbox"/> Yes            | <input type="checkbox"/> No <u>absent</u> |

ATTEST:

CITY OF VERO BEACH, FLORIDA

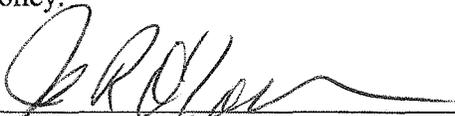
  
\_\_\_\_\_  
Tammy K. Vock  
City Clerk

  
\_\_\_\_\_  
Richard G. Winger  
Mayor

Approved as to form and  
legal sufficiency:

Approved as conforming to municipal  
policy:

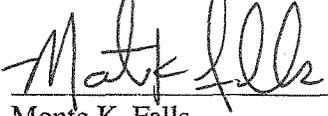
  
\_\_\_\_\_  
Wayne R. Coment  
City Attorney

  
\_\_\_\_\_  
James R. O'Connor  
City Manager

Approved as to technical requirements:

Approved as to technical requirements:

  
\_\_\_\_\_  
Robert Slezak  
Recreation Director

  
\_\_\_\_\_  
Monte K. Falls  
Public Works Director

## ATTACHMENT "A"

### VETERANS MEMORIAL ISLAND SANCTUARY AUTHORIZED USES AND MEMORIAL RULES

#### A. Purpose and Intent.

Pursuant to Section 54-31(e) of the City of Vero Beach Code of Ordinances ("Code"), the purpose and intent of these Veterans Memorial Island Sanctuary Authorized Uses and Memorial Rules ("Uses and Rules") is twofold:

- (1) To create at the Veterans Memorial Island Sanctuary a quiet haven for reflection on the sacrifices made by the men and women of the Armed Forces of the United States of America; and
- (2) To preserve Veterans Memorial Island Sanctuary as a memorial to Indian River County's military heroes.

#### B. Definitions.

The following definitions shall apply to these Uses and Rules:

*Cenotaphs:* individual memorials for fallen veterans whose bodies are buried elsewhere or not recovered.

*Master Plan:* the plan guiding the management and development of Veterans Memorial Island Sanctuary adopted by the City Council of the City of Vero Beach pursuant to Section 54-31(e) of the Code, as more fully described and identified in Exhibit "B" attached hereto, and incorporated herein.

*Veterans Memorial Island Sanctuary Advisory Committee:* the committee established pursuant to the Code to ensure the purpose, intent and preservation of Veterans Memorial Island Sanctuary and to serve as an advisory committee to the City Council of the City of Vero Beach, hereinafter "Committee."

*Veterans Memorial Island Sanctuary:* the geographic area including all of Spoil Island #31, hereinafter "Island," deeded to the City of Vero Beach on May 5, 1941, the bridge leading to the Island, and the entrance area lying immediately east of the bridge, including the traffic circle and its contents, excluding the roadway, as more fully described and identified in Exhibit "A" attached hereto, and incorporated herein, hereinafter "Sanctuary."

#### C. General matters.

- (1) The Sanctuary may not be sold, leased, traded, or given away by the City except as specified in Section 5.05 of the Charter of the City of Vero Beach.
- (2) There shall be no charge for admission to the Sanctuary.

(3) All work and projects at the Sanctuary shall be implemented by the Public Works Department of the City of Vero Beach only after approval of the Vero Beach City Council after consideration of recommendations from the Committee and the Veterans Council of Indian River County.

(4) Initial coordination of uses of the Sanctuary shall be coordinated through the Recreation Department of the City of Vero Beach.

**D. Rules and Policies.**

(1) Use of the Sanctuary.

(a) All uses shall be in keeping with the purpose and intent of the Sanctuary.

(b) All other uses shall be by permit only, issued by the Vero Beach City Manager and consistent with Section 54-31(e) of the Code.

(c) Private memorial services held at the Sanctuary shall be limited to services for United States veterans for whom a Certificate of Release or Discharge from Active Duty (Department of Defense Form DD214), or equivalent, issued for reason other than dishonorable conduct, has been provided to the City of Vero Beach Recreation Department and verified by the Indian River County Veterans' Service Office. Scattering of cremains of such veterans is permitted in the waters surrounding the Island, however cremains shall not be scattered on the Island.

(d) The following uses shall not be permitted at the Sanctuary:

1. General recreational activities.
2. Weddings.
3. Demonstrations, rallies or politically motivated gatherings.
4. Fund raising events.
5. Sportings events.
6. Band concerts, except those related to military ceremonies or recognized holidays of special national or local significance in which patriotic music shall predominate.
7. Camping.
8. Alcoholic beverages.
9. Bikes, skateboards, scooters, and skates.
10. Kite flying or operation of model aircraft or model vehicles.
11. Water activities such as, but not limited to, swimming, boating, fishing, and the like, except that fishing shall be permitted on the bridge leading to the Island so long as such fishing activity does not interfere with Island events that are allowed or permitted pursuant to the Uses and Rules.
12. Motor vehicles and other motorized conveyances, except those utilized in conveying persons with disabilities or utilized in maintenance or approved work by or for the City.
13. Dogs, except service dogs.
14. Commercial activity.

#### **E. Individual Memorials.**

(1) Cenotaphs have been used since the dedication of the Island. Cenotaphs shall be consistent in size and design with existing cenotaphs. Vietnam era veterans are honored with engraved granite memorials. Veterans of other conflicts are honored with granite memorials with bronze plaques. Bronze plaques shall be consistent with those of the conflict/era. Plaques shall contain name, date of birth, and date of death. Branch of Service and rank may be included, space permitting.

(2) Cenotaphs will honor the men and women of Indian River County who died while defending the United States of America and for whom a Report of Casualty Certificate (Department of Defense Form 1300), or equivalent, issued for any reason other than dishonorable conduct, has been provided to the City of Vero Beach Recreation Department and verified by the Indian River County Veterans' Service Office. Any such qualifying veteran who died while defending our country and was a resident of Indian River County at the time of his or her initial entry into one of the services shall be eligible for recognition.

(3) No other individual memorials shall be allowed.

(4) Cenotaphs may be approved by the City Council after consideration of the recommendation by the Veterans Council of Indian River County and the Committee.

#### **F. Monuments.**

(1) Monuments have been part of the memorials to honor veterans since the dedication of the Sanctuary. The "Lest We Forget" monument established precedence. Honor is paid to the veterans of World War II, the Korean War, and the Vietnam War. In addition, monuments pay tribute to Pearl Harbor Survivors, Purple Heart recipients, Prisoners of War (POW), and those Missing in Action (MIA).

(2) Only veteran organizations sponsoring a monument may be recognized as part of the monument.

(3) Plans for construction of monuments shall require approval by the City Council after consideration of the recommendation by the Veterans Council of Indian River County and the Committee.

(4) All monuments shall be consistent with the Master Plan and no development shall occur that is not consistent with that plan.

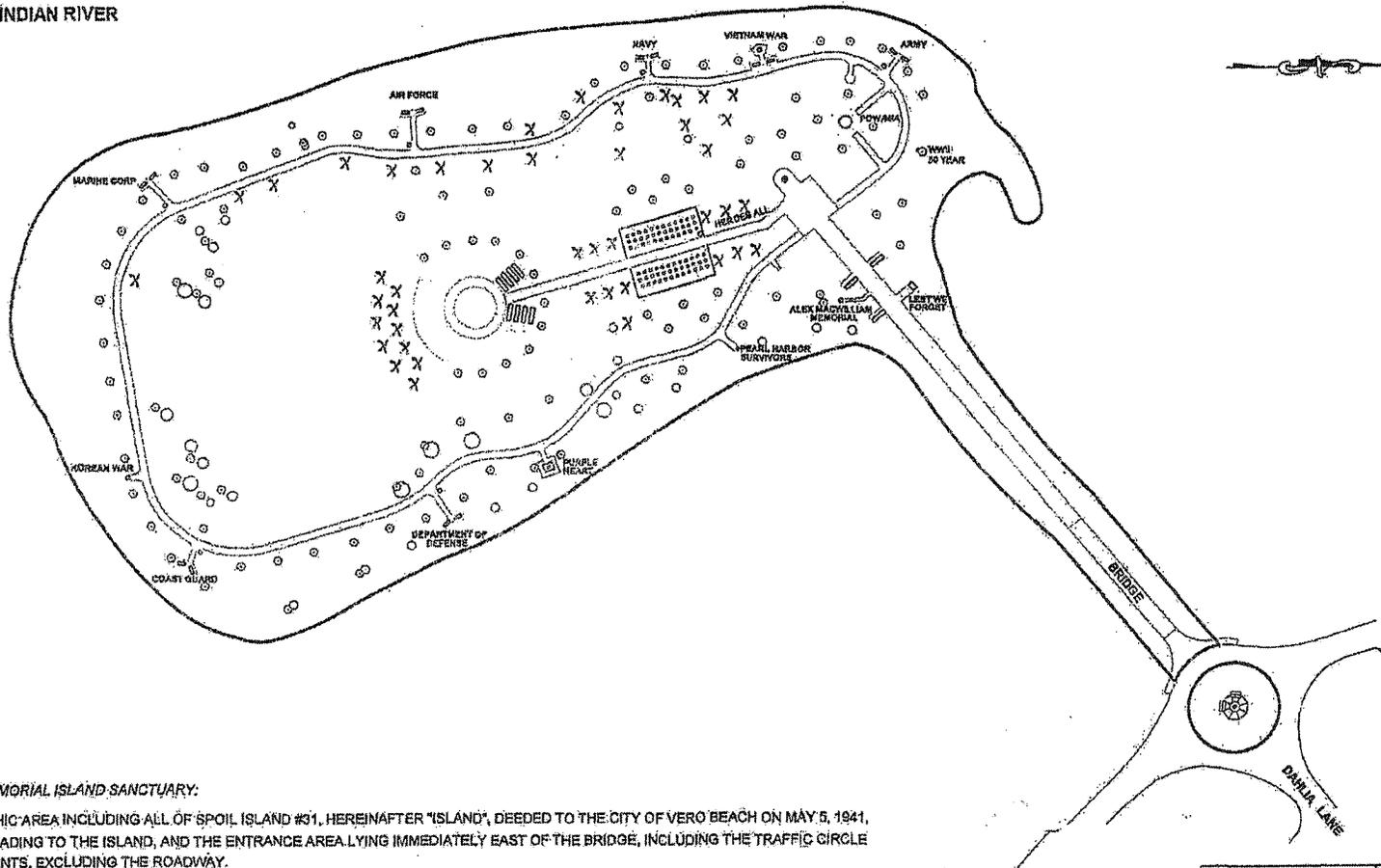
#### **G. Service Memorials.**

Monuments commemorating the branches of the United States Armed Services, i.e. the Army, the Navy, the Marines, the Air Force, and the Coast Guard have been constructed consistent with the Master Plan. Any changes to the existing monuments shall be consistent with the Master Plan and shall require approval by the City Council after consideration of the recommendation by the Veterans Council of Indian River County and the Committee.

# VETERANS MEMORIAL ISLAND SANCTUARY

Exhibit "A"

INDIAN RIVER



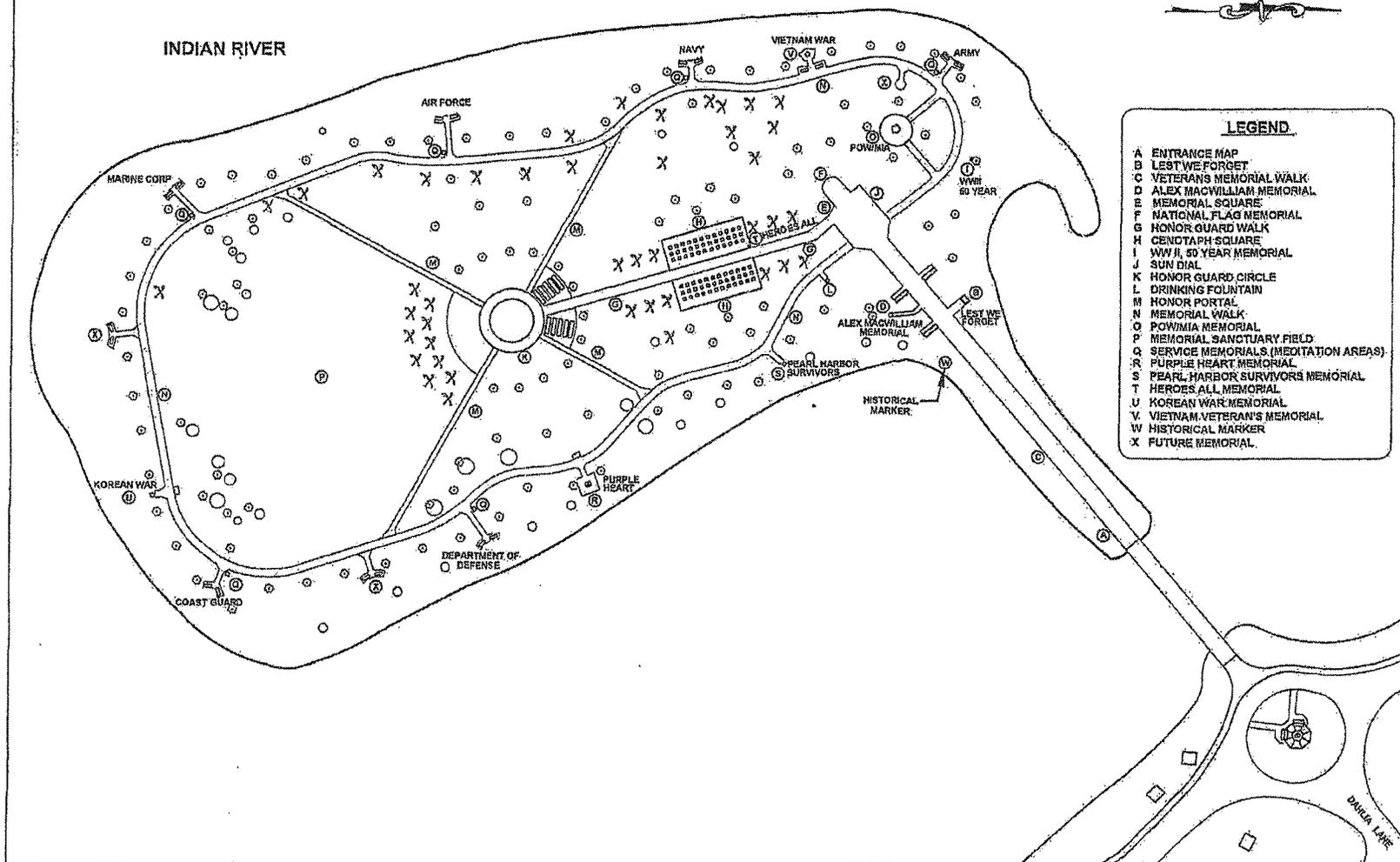
**VETERAN'S MEMORIAL ISLAND SANCTUARY:**

THE GEOGRAPHIC AREA INCLUDING ALL OF SPOIL ISLAND #31, HEREINAFTER "ISLAND", DEEDED TO THE CITY OF VERO BEACH ON MAY 5, 1941, THE BRIDGE LEADING TO THE ISLAND, AND THE ENTRANCE AREA LYING IMMEDIATELY EAST OF THE BRIDGE, INCLUDING THE TRAFFIC CIRCLE AND ITS CONTENTS, EXCLUDING THE ROADWAY.

NO.	DESCRIPTION	AUTHOR	DRAWN BY	DATE
	VETERAN'S MEMORIAL ISLAND SANCTUARY			
OVERVIEW		DATE: 08/14/2011		
CITY OF VERO BEACH DEPARTMENT OF PUBLIC WORKS SURVEY DIVISION				
CITY PROJECT NO. MEMORIAL ISLAND MAPS SHEET 1 OF 1				

# VETERANS MEMORIAL ISLAND SANCTUARY MASTER PLAN

Exhibit "B"



## LEGEND

- A ENTRANCE MAP
- B LEST WE FORGET
- C VETERANS MEMORIAL WALK
- D ALEX MACWILLIAM MEMORIAL
- E MEMORIAL SQUARE
- F NATIONAL FLAG MEMORIAL
- G HONOR GUARD WALK
- H CENTRAPH SQUARE
- I WW II, 50 YEAR MEMORIAL
- J SUN DIAL
- K HONOR GUARD CIRCLE
- L DRINKING FOUNTAIN
- M HONOR PORTAL
- N MEMORIAL WALK
- O POW/MIA MEMORIAL
- P MEMORIAL SANCTUARY FIELD
- Q SERVICE MEMORIALS (MEDITATION AREAS)
- R PURPLE HEART MEMORIAL
- S PEARL HARBOR SURVIVORS MEMORIAL
- T HEROES ALL MEMORIAL
- U KOREAN WAR MEMORIAL
- V VIETNAM VETERAN'S MEMORIAL
- W HISTORICAL MARKER
- X FUTURE MEMORIAL