

**SPECIAL CALL CITY COUNCIL MINUTES
TUESDAY, JUNE 30, 2020 9:00 A.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

1. CALL TO ORDER

A) Roll Call

Mayor Tony Young, present; Vice Mayor Laura Moss, present; Councilmember Robbie Brackett, present; Councilmember Rey Neville, present via telephone and Councilmember Joe Graves, present via telephone. **Also Present:** Monte Falls, City Manager; John Turner, City Attorney and Tammy Bursick, City Clerk

B) Pledge of Allegiance to the Flag

Mayor Young led the Council and audience in the Pledge of Allegiance to the flag.

2. ITEM FOR DISCUSSION:

A) To discuss requiring face coverings within the City of Vero Beach.

Mayor Young reported that the Indian River County Board of Commissioners have issued an Emergency Order requiring all persons working in restaurants, grocery stores, food service, retail establishments, businesses open to the public, or any other locations visited by the public where social distancing is not possible, within incorporated and unincorporated Indian River County to wear face coverings. The City called this meeting today to discuss face coverings within the City of Vero Beach.

Vice Mayor Moss commented that Council has received a lot of emails from people going both ways, some want face masks worn and some don't. She was looking forward to hearing the medical expert speak today.

Mr. Brackett commented that this was a tough subject. He said it is one of those things that they want to do the right thing for both sides. He personally wears a mask where he cannot do social distancing. He doesn't like wearing them, but they are necessary.

Mr. Neville announced that he has the Coronavirus and it is a God awful disease. He is in favor of everyone wearing a mask if they are out in public. If the person that he came in contact with was wearing a mask, he might not have the disease today.

Mr. Graves commented that originally he was opposed to mandating face masks publically. But, now there is a lot more information that has been provided. He sent a video to the City Council yesterday showing them what a mask does when wearing one as opposed to not wearing one when someone coughs or sneezes, etc. Masks do make a difference when you are indoors and in close proximity to someone. They are not as necessary when someone is outside because they are able to keep their distance. He said that the virus is transmitted by droplets and not airborne. Masks do work in favor of droplets stewing from a person's mouth. His son-in-law is doing his residency at Emory University and recommends wearing a mask when it is not possible to do social distancing. He looked over some

recent data and really what their primary concern is, is to treat people who have contacted this disease. At this time there are 72% of ventilators available and of those numbers he has not been able to determine how many people have been admitted to the hospital because of the Coronavirus. The Coronavirus is hitting the younger demographic due to the lack of social distancing. It was a good step for the Governor to close the bars. Where he sees a problem is in the food service. He questioned if it was possible to social distance your food that is being served from your server. He said that people don't have to go to restaurants, but they do have to go to grocery stores and masks and social distancing should be done. The way the County wrote their Order is where social distancing is possible and how do you determine that. He is in favor of imploring the public to wear face masks. The problem he has is mandating it and how do they enforce it. He is visiting in North Carolina and sees a lot of people wearing face shields as opposed to face masks, which is an alternative if a face mask is too restrictive.

Mr. Monte Falls, City Manager, gave a recap of where they were when this first started and where they are today. He said that they are seeing the cases increasing. He wears a mask when he goes to different places and would ask the public to wear their masks to protect their fellow citizens.

Dr. Gregory Rosencrance, President of Cleveland Clinic Medical Center in Indian River County, stated the number of cases continue to grow in Indian River County and it is not only because of more testing. He said that there have been 13,533 people tested in this County. The three "c's" must be observed when looking at the Coronavirus. They are the crowds, close contact, and close faces. He encourages and supports the wearing of face covering in public places and keeping your distance, however he knows how difficult it can be to measure six (6) feet. He said that someone can have the virus and not even know it. He said that wearing a mask might not protect him, but it will protect the people around him. He said that protection is not 100%, but a lot better than not wearing mask. Masks make a difference and that is not a debatable point. They are a community at Cleveland Clinic and make it mandatory to anyone coming into the hospital has to have a mask on unless they have some underlining medical condition. He can see where someone walking down the street may not need to have a mask on because they are not near anyone, but when you enter a building and are in close quarters a mask should be worn. Their primary focus is the safety of their patients and caregivers at the Clinic. It is necessary for them to move forward in this environment. Masks will allow them to go out until they find a vaccine. He said if 60% of the people wear masks the percentage rate will drop below 1% and this will reduce the spread significantly. Now is the time to take action. Ensure the health of their citizens and communities and strong economic recovery and masks allow them to do that.

Mayor Young commented that last week he was not sure this was the way to go (mandate wearing masks). But, after talking to different people who understands this more than he does he is in favoring of having people wear a mask. He tries to reach out to people who understand more than he does and Dr. Rosencrance has said yes to wear masks.

Dr. Rosencrance said that they have plenty of capacity in the hospital and want to keep it that way, as well as continuing to allow elective surgery. Not doing these things does have some long term affects. He mentioned the seriousness of this disease and that there are individuals who suffer long term, meaning over a period of months.

Mr. Graves asked Dr. Rosencrance how many people have been hospitalized due to the Coronavirus. Dr. Rosencrance answered six (6) people. Mr. Graves asked how many people are having to use ventilators. Dr. Rosencrance answered three (3) people.

Ms. Karen Deigl, CEO for the Senior Resource Association, explained that she contracts with the County to run the County transit system. She is wearing a mask and she is mandating that people wear masks. She encourages the City Council as their responsibility to mandate this type of order and encourage it. She said within the Senior Resources Association in the work environment staff is mandated to wear masks. She said that Go-line and the Community Coach are asking riders to wear a mask. They do a thorough cleaning of the buses every day. There is limited seating on the bus and there is distancing from the person riding the bus and the driver of the bus. They only allow 10 riders per bus and they are using an overflow of buses so that no one is turned away. She said that their busiest ridership is in the City of Vero Beach. They did go up to 20 riders per bus, but dropped it back down to 10 riders per bus when the numbers of affected people with the Coronavirus started to go up. They do mandate anyone riding a bus to wear a mask. If they don't have their own mask one is provided to them. They have not had any problems since they started mandating it. She was hopeful that the decision made by the County will be well received. As community leaders they make decisions to protect people from themselves.

Vice Mayor Moss wondered if Senior Resources had thought about eliminating some of the current stops that they have as they are stopping in areas where people may be infected.

Ms. Deigl said that she never thought about that, but did not think that it would help.

Vice Mayor Moss mentioned some of the comments and suggestions that the Council has received from the public. There are serious concerns about transporting people in the area. They are encouraging people to stay home and avoid crowds. Then Senior Resources is transporting people throughout the County.

Ms. Deigl expressed that they don't want another lockdown. People need to get back to work, which is why they opened up. They want to be as normal as they can. She has taken extreme efforts to make sure that all their riders are safe and that masks are being worn. This will continue to allow people to live and manage their lives the best that they can.

Vice Mayor Moss asked Dr. Rosencrance if there was a simple number that he could state about the effectiveness of wearing masks.

Dr. Rosencrance explained that the risk of catching the virus is 20% without wearing a mask and 3% if you do wear a mask. He said that of course depends on how close you are to someone and the amount of time that you have spent together.

Mayor Young commented that he spoke to Mr. Freddie Woolfork about adjusting the transit service and he said that it is essential for people that he knows to go about their lives. He thanked Ms. Deigl for all the concerns and caution that she is taking.

Ms. Deigl agreed that this is considered an essential service and there has not been any transit system in the State of Florida that has shut down. She said with Community Coach the same rules apply except only one (1) person is allowed to ride at a time and not multiple people.

Vice Mayor Moss thanked Ms. Deigl for being at the meeting today. She said the information that Ms. Deigl provided was very helpful.

Mr. Brackett has some concerns with mass transportation, but it is necessary. He knows that it is hard to keep buses clean every hour on the hour. In his office they decided to wear masks because they can't social distance because they are so close together. There are three (3) lawsuits stemming from wearing face masks and they are in Leon County, Tampa and Orlando. He asked Mr. Turner about this.

Mr. John Turner, City Attorney, stated that in his profession and after reviewing all the history of the Statutes and Ordinances because of this circumstance that there is an emergency situation occurring and it is clear that cities may institute an emergency order under the Statutes that have been adopted. The local authority has the power to issue such requirements. What they are addressing today is areas that have public access and where the public travels to and interacts.

Mayor Young mentioned that after talking to some City leaders he found out that there are a dozen long term facilities that either have a staff member or resident that has the Coronavirus.

Mr. Graves asked Mr. Turner from what he just said, does the City Council have the legal authority to mandate masks to be worn in private businesses.

Mr. Turner answered no. He said that they can only mandate masks in public places. All persons entering an indoor City facility including, but not limited to City Hall, the Police Station, Public Works facilities, Airport facilities, Recreation facilities, City Marina, etc. where social distancing is not possible should wear face coverings or face shields.

Vice Mayor Moss asked Mr. Turner if requiring everyone to wear a mask would there be any problems.

Mr. Graves added with places like restaurants and gyms they do not have the authority as City Council to mandate that masks be worn.

Mr. Turner explained that all persons working in restaurants, grocery stores, food service, salons, gyms, and retail establishments, or businesses open to the public or any other indoor facility visited by the public where social distancing is not possible within the incorporated areas of the City are strongly encouraged to wear face coverings or face shields.

Mr. Graves asked what private facilities are not doing it.

Mr. Turner gave an example of Mr. Graves's office where they don't have interaction with the public unless it is by appointment. What they are addressing are facilities open to the public. He referred to the Order and asked where they can mandate masks.

Mayor Young commented that in speaking with the Mr. Tad Stone, Director of Emergency Services, he felt wearing masks was something that would be helpful for the community. He said his manpower has been impacted by the Coronavirus. He then brought up opening the City beaches over the July 4th weekend.

Mr. Falls reported that initially there was only the beaches south of them that were closing. Now it looks like Martin County and St. Lucie County will be closing their beaches, although he has not received any official notification of this, but has talked to people on the phone. If that happens then they run the risk of more people coming to their beaches. He will be talking to the County Administrator this afternoon about what the County plans to do. They are faced with a tough decision that has to be made.

Mayor Young agreed that they are being put in an unfortunate situation and not something that the residents of the City would welcome. The benefits of them making a decision today is to allow the public to understand this is the scenario as opposed to waiting until Saturday and seeing a mass group of people at the beaches and having to have law enforcement close the beaches. They are seeing an increased number of cases in Indian River County and they want to protect what they have here.

Vice Mayor Moss hated the thought of not having beaches open on July 4th, however their first responsibility is to protect the lives in this community. She applauded the people in this community for wearing their masks. She hates to have to close the beaches, but feels it might be necessary.

Mr. Brackett disagreed. He said they have miles and miles of beach throughout the County. He doesn't think that there are going to be a lot of people coming here from Miami. He asked the City Manager to find out what the hotel occupancy was for this weekend. He said if you close the beaches then people will have to go to the pools at the hotels and they are not able to properly social distance.

Mr. Graves asked if they have the authority to restrict beach access to anyone out of the County.

Mr. Turner explained that the restrictions would be placed on non-County residents and only allow the locals to use the facilities. The City Manager would have the authority to determine if out of County people were visiting the beach and overcrowding of the beach was occurring.

Mr. Graves agreed with keeping the beaches open to City and County residents.

Mr. Brackett added that if they close the beaches down then they close the beachside areas down. He said that these businesses are already hurting and by not having the beaches open on the July fourth weekend could destroy them.

Mr. Neville did not know how they would be able to manage this without having a Police Officer at each of the access gates.

Vice Mayor Moss asked Mr. Turner if they could restrict the beaches only to Indian River County residents.

Mr. Turner said that they could under these circumstances.

Vice Mayor Moss said then the issue comes to how this will be enforced.

Vice Mayor Moss commented that they only have one (1) beach that has a beach access point and that is South Beach. She said if people could not get on that beach then they will move up to Humiston or Sexton Plaza.

Mr. Falls commented that they could regulate the number of people going to the beach by the parking lot and the number of cars that are parked there. When the parking lot is full then the beach is full. It is a tough decision that they are facing. He suggested that if they are going to leave the beach open then let the parking lots dictate how many people can go there.

Mayor Young agreed that the idea of limiting access to locals would help.

Vice Mayor Moss wanted to make sure that there wasn't a spike in cases because the beach reopened.

Mr. Falls said that the beaches are not responsible for the spike. He said that closing of the bars will keep a lot of the weekend travel from coming up to Vero Beach. The chances of making the right decision is slim to none.

Mr. Graves commented that catching the COVID-19 virus while being outside is very minimal. The problem that he sees with only allowing County residents to use the beach would be enforcement. He said if they restrict the beach to County residents and a group appears from out of the County or people are not social distancing then this gives the Police Officer the mechanism to force someone to leave. He said denying their citizens access to the beach on the July fourth weekend is not the right thing to do. He said that they need to put the word out there that this is what is going to happen and the people coming to Vero Beach from other areas should have a chilling effect that if they drive to this area and misbehave they will be asked to leave.

Vice Mayor Moss commented that her main concern was people coming from outside of the County and crowding their beaches that it becomes impossible to practice social distancing. She feels assured that the Police Department can control the entrance to the beaches and limit them to County residents. She knows that a lot of businesses have been struggling.

Mr. Falls explained that they cannot successfully control access because they don't have a single point of entrance. The Police Department plans to have their vehicle on the beach all weekend to make sure that the crowd control is maintained. If there is an issue they will ask the person to leave.

Mr. Brackett suggested giving the City Manager the authority to work out with the Police Department a plan to keep the beaches open.

Mr. Turner said so what you want in the Emergency Order is to allow the City Manager to implement the plan and enforce the Emergency Order for public safety. He reminded Council that the City Manager is the Director of the Emergency Plan.

Mayor Young wondered how they let the public to know what the restrictions are so they understand in advance what limitations are being implemented. He then asked the City Clerk to read the Emergency Order.

Vice Mayor Moss made a motion to accept the Emergency Order. Mr. Brackett seconded the motion.

Mr. Brian Heady commented that he has two (2) masks and as people who have the responsibility to run the City they do not need all of this legal double speak. All they need to do is make it clear that the City beaches are for the City and County residents for the July fourth weekend. He said that if

there are problems on the beach then the Police Department can refer to the City Ordinance. Their beaches already are restricted by the parking places that they have. If someone parks on the lawn then their car will be towed away. He agreed with Mr. Graves's comments when he was talking about enforcement. He did not agree with Vice Mayor Moss's comments when she said that it is their first responsibility to protect the people. Their first responsibility is the oath of office that they take. He thinks that it would be better if they all wore their masks. He wears a mask when he is out not to protect himself, but to protect someone else. He recalled after 911 that former President George Bush said go shopping and businesses will get back to normal. No one could have predicted on that day what mess this Country was in. Just as no one here has information predicting what mess they are in from this virus. He agrees wearing masks are a good idea. They can require masks be worn inside City Hall and ask businesses to also require that masks be worn. He asked that Council listen to their City Manager, as well as Mr Brackett and Mr. Graves who have pleaded for the businesses in this community. Businesses have the right to restrict what occurs in their buildings and the City has the right to restrict what happens in their buildings. He was not in favor of passing this Order.

The Clerk polled the Council on the motion and it failed 2-2- with Mr. Graves voting no, Mr. Brackett no, Vice Mayor Moss yes and Mayor Young yes. Mr. Neville was no longer on the phone call.

Mr. Brackett made a motion to require masks in the City of Vero Beach facilities and they strongly encourage businesses to regulate their own rules, but that is their choice and right to do that. Also, they are announcing that access to all City beaches shall be restricted to the City and Indian River County residents only, from 7:00 a.m. Friday, July 3, 2020, to 10:00 p.m. Sunday July 5, 2020. Vice Mayor Moss seconded the motion.

Mr. Heady suggested an addition to the motion concerning the City beaches.

Mr. Graves asked if there was documentation that the Coronavirus has been transmitted at a restaurant.

Mr. Falls expressed that there was a local restaurant that closed because there were two (2) positive cases documented.

Mr. Graves was not sure if Mr. Brackett's motion included restaurants. He suggested using face shields as an alternative to face coverings.

Mr. Brackett said to him that face shields are the same as face coverings.

Mayor Young had some concerns that face shields were not an enclosed covering. He said they may not be as comfortable as a shield is.

Mr. Graves explained that the virus is spread by a droplet coming out of the mouth when someone coughs or sneezes.

Mayor Young asked Mr. Brackett if he would be willing to amend his motion to include face shields.

Mr. Brackett amended his motion to include face shields. Vice Mayor Moss seconded the amendment to the motion.

Mr. Turner will include the announcement about the beaches on Page 4 of 5, number 9 in the Emergency Order.

Vice Mayor Moss questioned when the Order would stop.

Mr. Falls said that the beaches would be open from Friday to Sunday 7:00 a.m. to 10:00 p.m. and be restricted to City and Indian River County residents. He asked Council when they wanted this Order to go into effect.

Mayor Young said today at noon time.

The motion passed 4-0 with Mr. Graves voting yes, Mr. Brackett yes, Vice Mayor Moss yes and Mayor Young yes. Mr. Neville was no longer on the phone call.

3. PUBLIC COMMENTS

Public comments were heard earlier in the meeting.

4. ADJOURNMENT

Today's meeting adjourned at 10:36 a.m.

/tb