

**CITY OF VERO BEACH, FLORIDA
FEBRUARY 18, 2020 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The City Council and the audience present for today's meeting joined in a moment of silence.

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

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

At this time, Mr. Brian Heady approached the dais. He asked that someone on the City Council include to today's meeting a discussion item on the continued employment of the City Attorney. He said that he thinks the City Attorney is guilty of violating Florida Law. He said the City Council has oversight on the City Attorney and complicity law would say that if they know about criminal acts and allow it, since they not only have authority but they have obligations, that they would be complicit in allowing the City Attorney to continue to violate the law. He would respectfully ask that the City Council puts that discussion item on today's agenda wherever the Mayor feels it is appropriate.

Mayor Young said they will continue with the agenda and will have an opportunity to address that as they move forward.

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – February 4, 2020

Mr. Neville made a motion to approve the minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mayor Young requested that they add as item 9-D) Letters to the Florida Department of Transportation (FDOT), Senator Debbie Mayfield, and State Representative Erin Grall in appreciation of their assistance with Elite Airways.

Mr. Brackett said with all due respect to Vice Mayor Moss, he would suggest that they move items B1-a) through B1-k) to be heard under Councilmember Matters instead of being heard under Old Business. He explained that he tends to look at New Business and Old Business as being items that the City Council takes action on and these items are more informational items.

Vice Mayor Moss said they can move it if they like, but it will take about two (2) minutes. She said don't be nervous, she is not planning to go through every single piece of information. She was just going to talk about counting children for the census, that's it, but sure. She said the census is important though so she is going to continue to put it under Old Business just so people see it because people don't always go back to Council Matters, which are generally more personal in nature, things that they might be supporting in their time off from the job.

Mr. Brackett made a motion to approve the recommended changes to the agenda. Mr. Graves seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1) Employee Recognitions

A) Mr. Don Dexter/Assistant Public Works Director – 40 years of service

Mr. Brackett presented Mr. Don Dexter, Assistant Public Works Director, with a plaque recognizing his 40-years of service to the City of Vero Beach.

B) Mrs. Tammy Bursick/City Clerk – 35 years of service

Mr. Graves presented Mrs. Tammy Bursick, City Clerk, with a plaque recognizing her 35-years of service to the City of Vero Beach.

3. CONSENT AGENDA (include amount of expense)

A) RFP 160-19/JO – Airport Advertising Agency

B) Approval for the Veterans Memorial Island Sanctuary Advisory Committee to expend funds from the Veterans Memorial Island account in the amount of \$200 to add a plaque to a Gold Star Family Grove Tree

C) Paragon Electric of Vero, Inc., Final Pay Application for Taxiway E Extension and Rehabilitate North Apron and Construct Ramp Projects (FDOT #434602-1-94-01 & 437981-1-94-01) - \$95,416.12

D) Award of Bid No. 040-20/PJW – FDOT Street Lighting Maintenance (COVB Project #2019-15) – Cost Based on Actual Repairs, Estimated at \$30,000

Councilmember Neville pulled item 3-B) off of the consent agenda.

Vice Mayor Moss pulled item 3-A) off of the consent agenda.

Mr. Brackett made a motion to approve items 3-C) and 3-D) of the consent agenda. Mr. Neville seconded the motion and it passed unanimously.

A) RFP 160-19/JO – Airport Advertising Agency

Vice Mayor Moss said that she would just like to have a discussion on this. She said that the City Council has not discussed this. She wasn't clear and she did read the backup on it, what the purpose of it is, what the goal might be, and if she understood the backup material correctly that \$40,000 or \$50,000 is available, which is not a lot of money.

Mr. Eric Menger, Airport Director, said it is true that they don't have a lot of advertising money. He said they considered whether it would be best to bring on a Marketing Director at the Airport to try to promote the Airport and their biggest focus would be leasing the properties.

Vice Mayor Moss asked could that just be done through a realtor. She asked if that is the main concern, if she is understanding it correctly, could that just be done through a realtor. She asked do they have to advertise ...

Mr. Menger said they probably will include realtors as part of this overall package. What they would like to do is actually bring on a professional who knows the marketing world and knows how to promote the Airport in order to try to get their properties leased. He said they could go the route of just bringing on agencies that does this type of thing.

Vice Mayor Moss asked has that been done already. She asked are they using a realtor now.

Mr. Menger said they have a policy in place and have used local brokers in the past with limited success. But they do have a City policy that they would pay a commission to those who lease properties, which has worked a little, but not very well. He said they have had some desire from the Airport Commission to try to promote this more. He said the goal is to bring in more Airport revenue and to try to offset some of the costs that are continuing to increase.

Vice Mayor Moss said that is a good goal. She asked what are the advertising agencies charging.

Mr. Menger said this item is just to allow staff to negotiate a contract. If the City Council agrees that the Selection Committee selected the correct company, then staff would negotiate a contract. He said in the negotiation process they would develop a strategy on how they would market the properties and the Airport in general, which they would then

bring the contract back before to the City Council. He said this is cheaper than hiring a Marketing Director.

Vice Mayor Moss asked if they were informed that the budget is \$50,000 because traditionally, and she doesn't know how they are going to work it, but traditionally in the advertising business 85% of the budget would be spent on advertising itself and the agency would take a 15% agency commission, so that is not much money; 15% of \$50,000. She asked were they informed of that.

Mr. Menger answered yes. He said it was in the Request for Bid (RFP). He said they know it is a small contract and they only received four (4) submittals. He said one (1) agency is located in Orlando, Florida, which is the Selection Committee's number one (1) choice. He said that he would like to start the negotiations and then staff would come back before the City Council with a contract.

Mr. Graves asked what is the \$50,000 for.

Mr. Menger said it will be used for advertising costs. It would primarily be used for website development, video development, radio advertising, print advertising, etc. The rest would be used for the company's commission costs.

Mr. Graves asked so is the \$50,000 to procure marketing assistance or is it for marketing itself.

Mr. Menger said mostly for marketing assistance, but also the marketing costs.

Mr. Graves said that he has been involved with marketing and \$50,000 will not get them all of that.

Mr. Menger said the Airport previously had \$9,000 for their entire advertising budget probably less than 10-years ago. He said they need to have a budget that would allow them to advertise the Airport. He said that he knows \$50,000 is small, but at least it is a start.

Vice Mayor Moss said that she is not against this; she is just wondering if all of the possibilities in terms of a realtor have been exhausted in your (Mr. Menger's) opinion.

Mr. Menger said that will be part of the contract. He said that he would like to hear from them on how they plan to use brokers and real estate companies in order to promote the Airport.

Mr. Graves said the deal with marketing is if you are not really all in on it and spend just a little, you are just throwing money away.

Mr. Menger said that he would like to at least talk with them to find out what can be done with what they have.

Mr. Brackett said you are asking permission to negotiate to find out those facts.

Mr. Menger said that is correct.

Vice Mayor Moss said we are spending money to make money. What you want to do is lease that commercial space. She asked is that the main objective.

Mr. Menger answered yes.

Vice Mayor Moss said that is the main objective.

Mr. Monte Falls, City Manager, explained that they are actually not spending money at this point. They would be allowing Mr. Menger to bring some information back before them and the City Council will have that decision point the next time this is before them.

Mr. Graves questioned so the company out of Orlando specializes in Airport marketing.

Mr. Menger said they specialize in all kinds of marketing, not just Airport. However, they do have aviation background. He said they have been working with the Kissimmee Gateway Airport for a couple years so they do have some Florida airport experience. The company who had the most aviation experience was the Aviation Agency from Minnesota. He explained that even though they were very innovated and creative, the Selection Committee felt they were too far away to bring on at this time.

Mr. Graves said that he would think it would be a specific target that they were looking for to rent space from the Airport.

Mr. Menger said that is true, although just about any type of company could lease the non-aeronautical land that is outside the airfield.

Mr. Neville asked what did they ask for in the RFP.

Mr. Menger said they requested a broad range of marketing skills, including website development, video creation to promote the Airport, as well as to get with the commercial brokers. He noted that they focused on the non-aeronautical side.

Mr. Graves said when staff brings this back before Council, he would like to see a proposal showing the cost of a marketing plan outside group versus hiring a marketing person in-house because he has found in his profession that hiring a marketing person in-house is a lot more cost effective than using outside agencies.

Mr. Menger asked is he talking about bringing them a proposed contract, as well as what the cost would be if they hired a Marketing Director.

Mr. Graves said with the limited budget like what he (Mr. Menger) is talking about with the social media and website, that takes a person working on it day to day constantly putting

information out, whereas if they hire an outside group, they would get to it once in a while. He felt that they should do a cost comparison.

Mayor Young asked Mr. Graves if he is talking about hiring a temporary person at the Airport.

Mr. Graves said they might be able to hire someone part-time or full-time who are in that field and are savvy with website development. He explained that it is not like you just develop a website and leave it stagnant. For a website to be useful and to come up on Google searches you have to constantly be changing it, adding information to it, etc., and the cost of using an outside agency gets very expensive.

Mr. Menger said once they have a contract negotiated and they are ready to bring it before the City Council, he could ask the firm to give a presentation to the City Council on how they could meet some of their concerns.

Mr. Graves felt they should just compare the costs to see what the best thing is for the citizens and for the taxpayers.

Mr. Neville made a motion to approve RFP 160-19/JO Airport Advertising Agency. Mr. Brackett seconded the motion and it passed unanimously.

B) Approval for the Veterans Memorial Island Sanctuary Advisory Committee to expend funds from the Veterans Memorial Island account in the amount of \$200 to add a plaque to a Gold Star Family Grove Tree

Mr. Neville asked do they have some policy guidance on how they manage this. He asked is there a policy on where the money comes from.

Mayor Young said the funds for Veterans Memorial Island Sanctuary are contributed.

Mr. Neville said his question is the eligibility to be on the Island.

Mayor Young explained that there are two (2) forms of individual recognition on the Island. Those individuals who are from Indian River County and lost their lives while in the service, their families might request a cenotaph. The second is for a temporary recognition that was a part of the Gold Star Groves where eight (8) of the ten trees have been dedicated and this would be the ninth tree. He reported that the cost associated for this is about \$200, which funds were available within the Veterans Memorial Island Sanctuary Advisory Committee and in addition, half of the cost was contributed by Mr. Curtis Paulisin.

Mr. Neville asked if you want one (1) of those plaques on a tree, is it on the Island. He said this is a different way of doing this. He explained that if he wants a monument on a tree in Riverside Park, he would have to pay for it.

Mr. Falls said that is a different program.

Mr. Neville said he understands that, but it is the same thing. It is a post with a nice bronze plaque.

Mayor Young explained that these are tributes to fallen veterans and in order to be recognized with the Gold Star Grove, individuals would need to reach out to the Gold Star Families Association who would review it and bring it before the Veterans Memorial Island Sanctuary Advisory Committee with their recommendation and then it would be brought before the City Council. He explained that this is established in the guidelines for Veterans Memorial Island Sanctuary and it is available in the City Clerk's office and the Recreation Department.

Mayor Young noted that this item is for recognition of a gentleman who was aboard an army transport vessel in 1945 and there was a collision with another ship and about 80 people were lost at sea and this gentleman was one (1) of them.

Mr. Brackett made a motion to approve adding a plaque to a Gold Star Family Grove Tree. Vice Mayor Moss seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

B) RESOLUTIONS

- 1. A Resolution of the City of Vero Beach, Florida, Establishing Rates and Fees for the Collection and Disposal of Solid Waste and Recyclable Material and Sale of Items Used for Collection Purposes; Repealing Resolution 2013-33; Providing for Conflict and Severability; Providing for an Effective Date. – Requested by the Public Works Department**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this is really a bookkeeping item. He explained that when the City sold the electric utility all their solid waste billings were attached to the electric meter accounts for new service and when someone moved, that would default to their electric bill. Because the City no longer has the electric utility, they are going to have the default go back to the water bills so that they don't lose a customer in the process. This also adjusts some minor housekeeping fees that have gone up in price.

Mr. Neville said when they held the first reading on this Resolution, he asked if they were losing money in the process of performing some of these duties. He said that he looked at the prices of some of the activities and asked staff to confirm that they were not losing money.

Mr. Falls said they didn't go back and add anything to the callback price. He said one (1) of the things that they offer to the residents is if someone doesn't get their garbage put out and then calls, the City has had a longstanding policy to go back and service them. He said they do have a small fee to try to encourage people to get their stuff put out on time. He feels the rest covers the cost of the service provided.

Mr. Matt Mitts, Public Works Director, said one (1) of the fees they changed was for the casters they put on the dumpsters, which went up in costs.

Mr. Falls explained that a lot of their dumpsters are located in confined areas so they have to be rolled out in order to empty them.

Mayor Young opened the public hearing at 9:06 a.m.

Mr. Brian Heady said as a recipient of the service of this Department, he wanted to tell the Council how nice the employees have been in the 30 years that he has lived in the City. He said they will do side yard pickup, they are gracious, polite, nice, and efficient. He said that he has seen other areas where garbage is dumped into their truck and things fall out onto the ground and the truck continues down the road. He said that is not the case in Vero Beach. He said if they drop something, they pick it up.

The public hearing was closed at 9:08 a.m., with no one else wishing to be heard.

Mr. Brackett made a motion to approve the Resolution. Mr. Graves seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

2. A Resolution of the City Council of the City of Vero Beach, Florida, Abandoning a portion of the City's interest in the Electrical Easement encumbering the real property located at Section 19-33-40, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Public Works Department

The City Clerk read the Resolution by title only.

Mr. Falls reported that back in the day when the City would get easement on property that was in the City's utility service territory they just took a blanket easement over the entire parcel of land. Now this property that is encumbered by the easement, the property owners want to sell it and are trying to clean up the easement to only the portion that is actually used for the utility easement. He explained that the City would be retaining the easement in the northwest corner of the property that was needed for electric utilities and release the remaining portion of the property.

Vice Mayor Moss asked Mr. Falls to explain where exactly this is.

Mr. Falls reported that the property is located on Old Dixie Highway in the south part of the County, which is outside the City limits, but in the City's service territory.

Mayor Young opened the public hearing at 9:10 a.m.

Mr. Brian Heady said that his understanding with the sale of the electric is that those electrical easements went to Florida Power and Light (FPL). He asked is that correct or does the City maintain the right-of-way and FPL gets to use it.

Mr. Falls explained that a lot of the easements were transferred directly to FPL and the City is seeing some of these pop up where the City has to release them because it was granted to the City and the portion that the City is retaining is being retained for FPL for electrical purposes. It is a public utility easement.

Mr. Heady questioned but the City maintains the rights to that easement.

Mr. Mitts explained that easements can be for anyone. He thinks that the City is involved in this because it had been granted to the City. He explained that when the City receives requests for a release of easement or a release of right-of-way, they not only send it to the City departments, but to all the utility companies who had a granted right to put utilities within that easement to ask them if they approve the City releasing that easement. To answer the question, the easement was not granted exclusively for the electric utility. It was granted to the City in general.

Mayor Young closed the public hearing at 9:13 a.m., with no one else wishing to be heard.

Mr. Graves made a motion to approve the Resolution. Mr. Brackett seconded the motion and it passed 5-0 with Mr. Neville voting yes, Mr. Graves yes, Mr. Brackett yes, Vice Mayor Moss yes, and Mayor Young yes.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Marilyn Black-Dussault, Chairman of the Tree and Beautification Commission, said that she wanted to congratulate Mr. Don Dexter, but also wanted to tell the City Council how, as Commission members, are served by Mrs. Bursick. She said that she (Mrs. Bursick) is an incredible resource and a wonderful support system. She felt that every Commission that serves this City should thank her for everything that she has done for them. Having served with Mrs. Bursick and Mayor Young on the Centennial Committee, she can honestly say that she doesn't know when this woman sleeps. She thanked Mrs. Bursick.

Mr. Brian Heady said sometimes these Chambers are filled and he thinks there are three (3) citizens total present today, which is fine but on those rare occasions when the Chambers are overfilled he would remind Council before they consider expanding City Hall, this is more like the norm and they don't need a huge City Hall. He said at the Organizational meeting the City Attorney had him wrongfully removed from the public

meeting, which the public is invited to speak publically, and he would argue that these actions were actionable. He said after the Councilmembers were sworn in, took their place at the dais, and were discussing a Council issue, he was allowed to speak and the City Attorney interrupted him and once again had him removed from the public podium preventing him from speaking and in fact he was removed from the Council Chambers. He felt that Councilmembers recognized that those were wrongfully actions. He said over the last few days the City Attorney has once again interfered with his rights and he would argue his obligation as a citizen to inspect the public record, which is just not acceptable. He said that he did give the City Clerk a five (5) day notice, which is required by law to comply, and she has complied, but she was first told by the City Attorney to deny him public records to which he is entitled. He thinks that the Councilmembers should be very concerned. He said when the City Attorney was questioned at the Organizational meeting as to whether or not he had a Statute or Case Law supporting his actions, the City Attorney told them no he didn't. Mr. Heady said the Mayor called for a 10-minute recess and the City Attorney told the City Council that he would do legal research. He said it is amazing to him that in 10-minutes or less the City Attorney came back and said that he (Mr. Heady) had a right to be at the meeting, he had a right to speak out, that the meeting was conducted wrongfully and not in accordance with the law. Mr. Heady said because of his (City Attorney) actions against him, he was wrongfully removed from the City Council meeting. He said that he would argue that the City Council not only has oversight, but also has obligations and if they have a City employee who is basically conducting himself in an illegal way and causing the Police to act under the color of law to infringe on citizen's rights, when they (City Council) know that and allow that then they are complicit. He said criminal conspiracy, criminal complicity law requires that you, as Councilmembers, do something to stop that. At the beginning of this meeting, he asked for time to discuss the continued employment of someone who would continually break the law. A quick example, the City is involved in lawsuits and involved in lawsuits in large measures due to improper actions by the City Attorney. The zoning case with the parking lot for example, when that applicant came before the City Council, the applicant told them that the application that was submitted for the Council's approval wasn't the application that went before the Planning and Zoning Board. It had all been changed. They were told that. It is a matter of public record. He said the City is now in litigation over that and he would argue if the applicant tells them (City Council) that what he is asking them to vote on is not what was brought before the Planning and Development Department and not what he brought before the Planning and Zoning Board, they have an obligation to stop in their tracks, which is what they were asked to do. He said one (1) Councilmember said yes, let's have a rehearing on it and the rest of the Council wouldn't do that. Mr. Heady said it could have saved them a lot of money. He said that he had asked over the years repeatedly for documents on the sale of the electric utility and this City Attorney reported to the City Council that he was given all those documents. Mr. Heady asked the City Attorney to give them to him again, which he did and copied the City Councilmembers. Mr. Heady said it consisted of 10 or 12 pages and he can tell them that the sale of the electric utility would require more than that. He said that Mr. Dick Winger, former Mayor, appeared at the last City Council meeting and told them how he renegotiated the terms of the Orlando Utilities Commission (OUC) contract and had reduced it down to six (6) years. Mr. Heady said there was a clause in the OUC bulk power contract that required if the City pulled out that they had the

ability to recover stranded costs; money that OUC put into assuring that the City received their electricity. Mr. Winger told the City Council about some of his accomplishments and one (1) of them was to reduce the OUC contract down to six (6) years. Mr. Heady said the contract was negotiated in 2007. He said the six (6) years had expired and there were no stranded costs and yet without any explanation and him demanding over and over again some explanations, some answers, and some documents, he was given nothing. Instead he was hauled out by the Police acting under the color of law. He thanked Mayor Young for being a little more tolerant with the citizens because he knows that he has exceeded his three (3) minute limit. He said it is important for the citizens of this community that the money they are entitled to be spent properly. He said when you have an employee, specifically the City Attorney, who hides and refuses access to public documents, the City Council has a serious problem because they have an employee that is willing to break the law, which causes additional litigation and causes the people of this community tens of thousands of dollars and he would argue millions of dollars in the electric example. He told the City Council that they are on notice. This gentleman (City Attorney) is breaking the law and has advised other City employees to break the law. He said that Mrs. Bursick complied with the law this morning after he notified her and the City Attorney that he was giving five (5) days notice that they need to comply with the law. He said that Mrs. Bursick wanted to comply with the law and he believed her when she told him that she wanted to comply with the law, but the City Attorney was directing her not to. Mr. Heady said this is a serious problem and he believes it is a problem that if the City Council doesn't have an open public discussion then they are complicit with the violations of the law.

Mr. Graves said that he would like to be enlightened on what was requested and whether or not there was direction by the City Attorney not to comply with the request.

Mr. John Turner, City Attorney, said what prompted these false accusations that the requestor for the records was advised that there were personal and non-business related information contained in the records that he requested. Mr. Turner said under Florida Law, as an employee of a government entity, you do not give up all your rights and protections. You are, as part of conducting governmental business, and you receive information that is a public record, it is your obligation to turn that information over to the requestor. However, information of a personal or private matter that is not related at all to the business or did not come to your knowledge as a result of your position, such as contacts with you're your doctor, your spouse, etc., that information is considered private and does not have to be turned over. They can be redacted. In this case, the requestor wanted all the information including all personal information should not be redacted. His advise to the City Clerk was to give the information in full, but she is entitled to redact personal private information that is non-business related and did not come to her through a business contact from the City. He said that was complied with this morning.

Vice Mayor Moss asked whose personal information was being requested.

Mr. Turner answered the City Clerk.

Vice Mayor Moss said so Mrs. Bursick's personal information was being requested.

Mr. Turner answered yes and she can support him on this matter.

Mr. Heady said that he did not request personal information. What he requested was the cell phone records of Vice Mayor Moss and the City Clerk. He said that he has requested information for Vice Mayor Moss before and Vice Mayor Moss destroyed the public record. He said while she was on the City Council she held up and read from a piece of paper and because that paper was used to convey information to the public, he asked Mrs. Bursick for a copy of that piece of paper. Mrs. Bursick asked him to be a little more specific and he told her it was the piece of paper that Vice Mayor Moss was reading from and he quoted one (1) of the sentences. He said Vice Mayor Moss destroyed the public record ...

Vice Mayor Moss said that's not true by the way and she is going to say that right now. She said she remembers that and that was years ago and she gave that original piece of paper and she thinks it had one (1) sentence on it, but you (Mr. Heady) are welcome to it. She has never withheld anything from him and she doesn't think that Mrs. Bursick needs to give him her personal information.

Mr. Heady said that Vice Mayor Moss took that piece of paper, ripped it, and gave him just those words that he requested. He said the entire document was public record, not just that one (1) sentence. He said that one (1) sentence was meant to explain with specificity what document he was looking for. He said that he has never asked for personal information from Mrs. Bursick. What he asked for was Vice Mayor Moss's telephone records for a period of time, these are City owned cellphones, and asked for Mrs. Bursick's cellphone records. He did not and would not ask for personal information. He understands the public records law and has no issue with redacting information. But, if you make a telephone call on a City owned telephone or if you do something on the City's computer, you cannot claim that is personal. He said when Mr. Jim Gabbard was the Chief of Police, a City employee was investigated because he was accessing sites on a computer that they deemed not to be public business and they fired him for it. He said City paid cellphones are public record and if you don't want a private conversation, a private number, or a private call as part of the public record then don't use your City owned, City paid cellphone to make personal calls. Once you do that, you have caused that information to be public.

Vice Mayor Moss said well she hasn't done that and she has always turned over any records he has requested and by the way, that's very serious to make a criminal accusation against a man who is not an elected official. You (Mr. Heady) can say whatever you want about us (the City Council). You can damage us any way you choose. You can attack us personally. You can do anything you want to us because we're elected. I don't think that applies to someone that is not elected. It is very serious to call someone a criminal. I hope you understand that.

Mr. Heady said with all due respect, he understands the serious nature of it and it is very serious when you wrongfully take a citizen into custody and you, Madam Vice Mayor, have ordered that yourself. You, Madam Vice Mayor, have secreted the public record not just from him, but from other people.

Vice Mayor Moss said that's not true.

Mr. Turner said that he would be glad to make a brief statement regarding misinformation and misstatements that the requestor just put on the record. He said your use of a City owned device is an issue that is dealt with through internal sources. But, if you use that City device and have personal information on there, that doesn't make it a public record, the use of that device. That is improper, incorrect, and not the law in Florida. The law is you still have the opportunity to redact and remove personal information that did not come to you by virtue of your position. So what he (Mr. Heady) said is incorrect. Additionally, the City Council needs to remember that the issues that have been raised by the requestor are also issues involved in litigation that is pending in Circuit Court on action by John Doe. If the City Council wants to discuss the matter further, he would suggest that they do that at an Executive Session because he does want to address an issue that Council requested of him several weeks ago regarding outside counsel, which he has talked with those individuals and he can relate that information at a public hearing or at an Executive Session.

Mayor Young said the question in regards to management of public records, personally he is confident that they are following appropriate legal counsel. He thinks that unless they see something that would direct Council's concerns beyond what has been said he is very satisfied with what he has seen and knows to be the case with the City Attorney and the City Clerk's performance.

Mr. Graves said that he would be concerned about the statement that Mrs. Bursick said she wanted to comply, but was told by the City Attorney not to.

Mrs. Bursick said the City Attorney sent a memorandum to Mr. Heady, which she has not seen because it was sent after she left yesterday.

Mr. Heady said that he was told by Mrs. Bursick in her office that she would like to comply with his request for the cellphone records, but she had to run it by the City Attorney because he told her that he needed to approve it before she released the documents.

Mr. Graves said that is different than what you (Mr. Heady) said. You stated that she was told not to comply.

Mr. Heady said that she was told not to give him the records until she ran it by the City Attorney and that he needed to approve them.

Mr. Graves felt it was appropriate for the City Attorney to review them.

Mr. Turner said that he and Mrs. Bursick discussed the requestor's information that he wanted. Mr. Turner said that he reviewed and sent Mr. Heady an email in response. He then read into the record the email, *"Your public records request to Mrs. Bursick, City Clerk, has been forwarded to me for comment as it involves an issue that is the subject of ongoing litigation. Your public records request will be processed as provided under the*

public records laws and applicable Court decisions. Thank you.” He reported that the information was provided to him (Mr. Heady) this morning.

Mr. Graves said this has come up before and he just wants to make sure that they are complying with our public records requests.

Mr. Turner said we are.

Mr. Graves referred to the Organizational meeting when they (new City Councilmembers) were sworn in that Mr. Heady brought up. He said they cured it and moved forward. He said that he doesn't recall anyone telling the police to remove Mr. Heady, but thinks that was a choice made by Chief Currey. He said that he doesn't recall Mr. Heady being detained and put into legal custody. He does remember Mr. Heady being asked to leave and does Mr. Heady not being allowed to make public comments, which was wrong and that is why they redid the meeting to cure it and allowed Mr. Heady to make his public comments because that was the right thing to do. In his view, even though there was something that was maybe not handled right, it was cured. He said citizens do have the right to make public comments and they have the right to bring these issues before the City Council and before the City Attorney. He felt that some tension between Mr. Turner and Mr. Heady. He said they need to address these issues without anger and emotion. As a Councilmember, he wants to be sure that they are fully complying with their public records obligation. He said that he has not seen anything that would tell him that they are not. He said that he is confident, even though he has had some previous concerns, Mr. Turner has given him confidence that he is giving them good advice. He said that he does want to be sure that they are fully complying with all public records requests and that Mr. Heady is receiving the information that he desires. He appreciates Mr. Heady bringing this to their attention.

Mr. Heady said when he was battling in the Courts over a false arrest, the Judge told him that any time a Police Officer taps you on the shoulder and requests that you leave the podium, you are in his custody until you remove yourself from the podium, so unless you want to go to jail he would suggest that when an officer tells you to do something, you understand that you are under arrest. You are not yet booked, you are not yet formally charged, but arrest in French means to stop and the officer has a right to do that and if you don't comply that is why you got arrested; for resisting arrest. Mr. Heady said with all due respect, he has been down this road before and has sat in the City jail and he has sat in the County jail all for daring to come to the public podium and ask public questions about what they are doing with public money. He would continue to argue that if you don't want someone's personal cellphone or telephone number on a City record, then don't use a City owned phone. He said that is not protected information to be redacted. He said there are things that are protected, but when you make a personal telephone call from a City owned phone, that is not to be redacted. He said it is interesting because Mrs. Bursick made an argument with him that if he had asked for hard line telephone records of the City, nothing is redacted. He said so if you make a personal telephone call on a hard line in City Hall that is public information, but if you make it from a City owned cellphone that is not public

information. He said that is inconsistent with logic. It does not make sense. He said what is going on here is criminal.

Mr. Turner apologized to the City Council if he seemed agitated, which he did not mean to be. He said it is a little aggravating to be accused of a crime so he did take offense to that. He said it was unfounded and he does his best to represent the City and this Council to the best of his ability and he is going to make sure the public records laws are followed. He noted that there are exceptions however and there are ways that they are going to be dealing with it and one way is going to be in Court.

Vice Mayor Moss said that is an entirely appropriate response. You have been accused of being a criminal. She thanked Mr. Turner for his service.

Mr. Heady asked the City Attorney to provide the case law and/or the Statute that shows that cellphone records can be redacted. He doesn't believe it exists. He doesn't think there is case law and he doesn't believe there is a Statute that would allow it.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

- 1) Metropolitan Planning Organization (MPO) Update**
 - a) Memorandum regarding Intersection of Barber Bridge and Indian River Blvd. by Vice Mayor Laura Moss dated 01/24/2020 attached.**
 - b) Memorandum regarding Intersection of Barber Bridge and Indian River Blvd. by Vice Mayor Laura Moss dated 01/16/2020 attached.**
 - c) Letter regarding Turning Lanes from Barber and Loy Bridges Northbound onto A1A by Mayor Laura Moss dated 09/28/2017 attached.**
 - d) FDOT memorandum regarding Turning Lanes from Barber and Loy Bridges Northbound onto A1A dated 09/12/2019 attached.**
 - e) Florida Department of Transportation Organizational Chart 2019 attached.
- Requested by Vice Mayor Laura Moss**

Vice Mayor Moss thanked Councilman Graves and Councilman Neville for attending the last Metropolitan Planning Organization (MPO) meeting. She said on the surface it's not a very exciting thing, but it's really important and it's become increasingly important as they have more and more traffic in their area and they know that. Specifically the purpose of that meeting, and this was on February 12th of last week, was to address the intersection where they had two (2) fatalities and that is the intersection of the Barber Bridge and Indian River Boulevard. She said the Florida Department of Transportation (FDOT) was present for this meeting. She went over a letter that she had sent to them a while back. She speaks with a number of people in the community constantly on a daily basis and she doesn't have anything that she has to redact because most of her business is conducted face to face. That's how she likes it. She said I've worn this (referring to her name badge) since she was elected; since November of 2016, every day, everywhere she goes. She said after the accident many people approached her with suggestions and she wants to thank all of them

for doing that. She recalled at the Vigil for Miss Grace Rett she said that they are a small City with a big heart and so many people reached out to her with so many ideas. What she did was she wrote them up and by the way, this is on the City's website, covb.org, she always uploads everything; nothing to hide. She said she uploads too much and has been accused of that a number of times; too much information. She said she wants to go through the list briefly just so you know that you have been heard and she is thanking the community now and the points were addressed. As it turned out, she ended up with FDOT as a result of these emails, being a part of their Safety Audit Committee. For the record, she did not attend the official meeting that was discussed by MPO, but she guessed she was part of that Committee by proxy having to do with the emails that she sent to them. There were a number of things that were mentioned and the first was, and again this was from the community, was not to have two (2) green lights at the same time. She explained that is the green light if you are driving south on Indian River Boulevard for the turning lane and also there is the green light if you are going north so you can at the current time have two (2) green lights at the same time. She said that was an issue that was raised by a number of members of the community and she is happy to report that FDOT will be doing a simulation of that intersection and they are going to come back in a month or so after studying it with different suggestions on that. She said they made a few potential suggestions at the MPO meeting, but they will conduct the simulation and she thinks they will narrow it down in terms of their recommendations in that regard. Second was to clear all foliage. She explained that is on the median that's directly south of that intersection and she said that she would ask, and by the way they were told that is their charge, that's up to the City. We don't need anybody's permission. If they want to do that they can do that. She said that she wrote herself that she would ask Dr. Baker of the Audubon Society and also the Garden Club of Indian River County if they would be willing to participate in such a project, to provide native plants, Florida friendly plants if they take out some of that foliage and she is talking about the median now and she asked each of them face to face. There is no written record of it. She is just letting the City Clerk know and she is making a written record of it now. She spoke with them face to face and both of them said yes. She said they have to formally go back to their Boards and work it out, and that's the Audubon Society and the Garden Club of Indian River County will both be happy to participate in the project so we don't have to have money in the budget to change that median and make it clear. She said that she has been paying attention to that as she drives over, it's in affect a hill, as she drives over it she has been looking at that median and it does obstruct visibility in that intersection to an extent. So both of those parties have agreed. Then there was a general concern about speeding at the intersection and she wants to thank the City Manager who came to the rescue and suggested, well I'll back up a minute, the FDOT had said that they would in May install the speeding indicators, you know it flashes what speed you are going, those devices and she said well by May a lot of the traffic is gone. She explained that this is our high season as we all know so by May it would not be very helpful, but the City Manager jumped to the rescue and said they can move a trailer over to the south side. She explained that they have the trailers that indicates speed and the City Manager supplied those trailers right away, which she appreciates. She said the County said they did the north side of that intersection. She said if you've driven past it you will see the trailer and that is thanks to the City Manager and Chief Currey. The north side is the County; they were going to move something there. She said they are going

to leave that until they figure out a more permanent solution. She thinks that is a big help by the way because she drives that way several times a day and now she can see how fast people are going and when it is flashing 50 mile per hour and when they see it and tend to slow down a little bit, which she thinks that is very helpful. She said they also talked about enhanced enforcement at the MPO meeting. She said they know that with enhanced enforcement that Chief Currey was very successful on Indian River Drive east a couple of years ago in reducing the average speed that vehicles were traveling on Indian River Drive east. She said that she is a big supporter of that; she thinks that's a good idea and that will be done too. She said number four (4) was a general concern about vegetation, and this is on the east side of that intersection just below Barber Bridge and just north of Barber Bridge and actually before the MPO meeting, before February 12th, the trucks were out there and they were trimming back bit. She said that she asked at the meeting how far back they had trimmed and the gentleman who was there was not sure exactly how much they had trimmed, but they will be trimming more so that will help visibility. She said numbers five (5) and six (6) have to do with the turning lanes if you have ever sat in traffic there in the turning lanes, and that's the turning lane that would be going south and turning east to go over the bridge or the turning lane coming north and turning east to go over the bridge, especially the on going south tends to back up a bit and that can be dangerous because you can block traffic and there is always that fear of being rear-ended. What was said about that, this she is a little more hesitant about, what was said by FDOT was that it's relatively straight forward to lengthen the turning lane. She hopes that he is right. She is not critical about it and would like to see that happen, but her experience, and this is also uploaded to the website, covb.org, her own experience in trying to lengthen turning lanes, it takes a number of years. What she uploaded was a letter that she sent to the MPO while she was the Mayor, so that was 2017, and that was to lengthen the turning lanes on the bridges so you are on either one of the bridges, Barber Bridge and the Alma Lee Loy Bridge, and turning north and those lanes back up and that can get dangerous and also it's very inconvenient because you are narrowing it down to one (1) lane of traffic, but she sent that in 2017 and more recently received a response on that and again, this is on the website, but that will happen maybe around 2022. So, her experience with extending turning lanes is that it takes about five (5) years and that's to begin the actual work, to actually start lengthening the turning lanes. She has to admit that she was a little surprised at that meeting to hear the gentleman from FDOT kind of toss it off as, we'll take care of that; that's a relatively straightforward thing. She hopes that he is right, like she said, she is not critical, she would like to see that happen. It can be dangerous. She said that she is optimistic about this, and by that she means FDOT, specifically, she thinks they are really taking this seriously now and she thinks they will see progress made. She thinks it's about time and it's important, it needs to happen. She said we certainly appreciate the cooperation of the County on this as well, with the speed trailer and hopefully with other matters also.

Mr. Falls reported that he learned yesterday and early this morning that on Monday, February 24th, that Indian River County will be making the modifications to the controller in the southbound signal head that provides the green light. As discussed at the MPO meeting, FDOT has a new standard where they are going to replace that with a yellow arrow signal head. He reported FDOT does have a pushbutton contract for safety related

issues where they can step up the timing and staff will continue to monitor that and report back to Council.

Vice Mayor Moss said that she appreciates that. She said there is one (1) thing that she didn't mention and she was going to show it, but there are having technical difficulties. She held up the Organization Chart of the FDOT. She said the people are at the top, which is great, then it is the Governor and then it's many different departments. She said this isn't a criticism of them, but it does help one to understand why it takes so long to get anything done. She said it goes through a lot of different departments and people. But that being said, what the Chart says to her is, as Elected Officials, and again she thanked Mr. Graves and Mr. Neville for being there, as Elected Officials they are responsible. We're the ones who are elected. We're responsible for public safety, for public good, and we need to be sure to hold their (FDOT) feet to the fire. We have to. She said at the start of that meeting, and she didn't know if Mr. Graves and Mr. Neville were there the entire time, but she was a little taken aback that when that meeting started the County Commission started by attacking the media and praising FDOT. She said they (FDOT) hadn't even presented anything yet. She said she was not telling them (County) what to do, even though they come here and tell us what to do, she is just saying for the City they (elected officials) are responsible and to the extent that they are able to hold departments accountable then they need to do that. She said literally lives are at stake so they need to do that.

Mr. Graves said there were a couple issues that came out of the MPO meeting. The first was that he was taken back that a speed study was done and the median speed was 62 miles per hour through the intersection. He said that's way too fast. He said as you come over the hill towards the intersection northbound there is a lot going on at that intersection. There is a dedicated right turn, there are people going left, people going straight, etc. He said since that meeting, he has not seen a Police Officer there enforcing speed, which he thinks is something they need to do. He also thinks they need to have a program within the City identifying these intersections where there is high incidents of crashes and having enhanced enforcement for red light runners or for speed through intersections instead of being reactionary when something happens. He said they should be looking forward so the intersections where they know have high incidents of crashes or other area roadways, that they have enhanced enforcement. He asked if he is correct that FDOT has jurisdiction over this.

Mr. Falls said the State and the County have maintenance jurisdiction over the intersection. The City polices it because it is in the City limits.

Mr. Graves said that he raised it at the MPO meeting and it seemingly was dismissed by FDOT, but he would like to see the speed limit dropped from 45 miles per hour to 35 miles per hour through the intersection, which he thought was something that immediately could be done.

Mr. Falls said that he will talk to them, which he thought that was one (1) of the things FDOT will look at with the simulation they are going to do. He said that typically when they put out the speed trailers, it brings people's awareness to the speed and the Police

Department likes to give them a few days to work before they start writing tickets. He said they were put up on Friday so he would imagine they would start the enhanced enforcement this week.

Mr. Graves said that is exactly what he asked FDOT to look at. But, he would like to take some type of concrete steps towards looking at lowering the speed. FDOT's response to him was you can lower the speed, but if you don't enforce it, it won't work. He feels they need these two (2) components. He thinks they need to do everything they possibly can. He felt that lowering the speed through that intersection would give people more time to react if someone turns in front of them.

Mr. Falls said that he would speak with the jurisdiction agencies about that. He felt it would be a great first step if they could get the 85th percentile speed back down to the posted speed limit.

Mr. Brackett suggested lowering the speed between the two (2) bridges all together. He said it has turned into a racetrack, which is part of the problem.

Mr. Falls said that he will talk about it in that context.

Mr. Graves said that he would like to see other intersections identified where they can increase enforcement.

Mr. Falls explained that the 85th percentile is the speed that drivers feel comfortable driving at that location.

Mayor Young said that he was very surprised when the contractor started putting cones on that bridge without notifying the City of Vero Beach when they were painting the Barber Bridge and not only was it at the Barber Bridge, but major construction was going on at the west side of the Alma Lee Loy Bridge. He said as Governmental Officials, if they know of something that impacts their community he would hope that all agencies would coordinate with them because those are the instances where you are anticipating free flow of traffic and then you see an impending accident waiting to transpire.

Mr. Falls said they did move that work to night work.

Mr. Neville thanked Vice Mayor Moss for her summary. He said it was very well done.

B) OLD BUSINESS

1) 2020 US Census

For your convenience, the documents below are attached; they also have been uploaded to the "Census" tab on covb.org for future reference.

- a) Census 101: What You Need to Know**
- b) 2020 Census at a Glance**
- c) How the 2020 Census will invite everyone to respond**

- d) **Como el Censo del 2020 invitara a todas a responder**
- e) **The 2020 Census and Confidentiality**
- f) **50 Ways Census Data Are Used**
- g) **The US Census and Florida: 6 Things to Know**
- h) **Partnership Fact Sheet: Businesses**
- i) **Partnership Fact Sheet: Schools**
- j) **Counting Young Children in the 2020 Census**
- k) **Enumeration of People Experiencing Homelessness**
 - Requested by Vice Mayor Laura Moss, Vice Chair of the Indian River County Census 2020 Committee

This item was heard later in the meeting.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

None

8. CITY CLERK MATTERS

A) Proposed City Council Workshop Agenda – February 25, 2020 8:30 A.M.

It was the consensus of the City Council to hear the items that are on the proposed workshop agenda. They are Parking, Commercial Airservice in Vero Beach & Airport Vision Plan, Stormwater, and Wastewater Plant Move. The workshop will be held on Tuesday, February 25, 2020 at 8:30 a.m.

Vice Mayor Moss commented that the community is looking forward to the Steering Committee meeting on February 25th. She felt that the more they sat down with the community and listen to them the better.

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

A) Twin Pairs/SR60 Traffic Calming (PW Project #2012-09) – Project Status

Mr. Falls reported that the official Council direction concerning the Twin Pairs passed in 2017 was to not move forward with this, but to keep Council updated. He said that this work would best be done the next time State Road 60 is scheduled to be resurfaced. It is currently not in their five (5) year program that goes to 2025. So they are at least five (5) years out before this resurfacing project would take place. He said that once it hits the work program its five (5) years to go. If he had direction from Council that once that happens they would have time to move forward with the lane elimination permit if that is what Council desires. If this project is undertaken it would eliminate a lane eastbound and westbound and could add a few seconds of delay time for the corridor and would provide 80 additional parking spaces in downtown and slow the speed down. He said that this is

only for Council's information and they are not asking for a motion today. He told Council if they had any additional questions, to please let him know.

Mr. Neville felt that the speed limit downtown needs to be calmed. He said it is dangerous and needs to be slowed down.

Mr. Falls explained that when you have a wide road drivers drive at a speed that they feel is appropriate.

Mr. Neville was concerned that there are some long-term neighbors who have not complained a lot when their parking was taken from them. The neighborhood on the south barrier was completely changed and he feels that has had an effect on the quality of that neighborhood over time. They need to do something for the people that live in that area as well.

Vice Mayor Moss commented that it looked like the purpose of the memorandum was to lay out all the options. She knows that about three (3) years ago they talked about addressing it, but not necessarily in a permanent way. She said it had to do with striping where they could paint parking spaces, but it was not permanent. She brought up the evacuation route being Route 60.

Mr. Falls felt that the evacuation impact was minimal to have two (2) lanes of traffic going just through the corridor of the downtown area. Once someone gets to 20th Avenue it would go back to three (3) lanes as they progress forward.

Vice Mayor Moss commented that they just annexed that property near Indian River Shores and her point is people evacuating from the barrier island will increase and more and more cars will be traveling on that road. She thought maybe they could do something temporary. When they do something permanent it is a lot more expensive to put it in and take it out if you have to.

Mr. Falls explained that the plan as laid out shows them three (3) options for accomplishing the lane reduction. They are paving markings (striping only), striping with stamped, stamped asphalt, and landscaping knuckles.

Vice Mayor Moss recalled through MPO they just went through the opposite of this where a lane was added as a result of a hurricane evacuation experience. She said this was near Yeehaw Junction and there will now be two (2) lanes during a hurricane evacuation.

Mr. Brackett asked if FDOT would consider taking one (1) lane out instead of two (2) lanes out.

Mr. Falls said they could put that in as an option. He said if they maintain the three (3) lanes, they would have 3% more capacity.

Mr. Graves asked when they did this study in 2017, was a speed study done.

Mr. Falls answered no. He recalled there has been a speed study done in two (2) different locations. He said one (1) was done near 17th Street near the Courthouse and the other one (1) was done near American Icon.

Mr. Graves sees people darting across the street from American Icon to the parking lot, which is an accident waiting to happen. He understands the issues with the hurricanes and the concerns brought up and feels that it can be overcome. He thinks slowing down traffic speed on the Twin Pairs and creating parking spaces for the downtown businesses should be something that they should be doing in conjunction with the FDOT's repaving project. He asked if they could look at reducing the speed limit now and possibly having a one (1) lane elimination between 14th Avenue and 20th Avenue.

Mayor Young also had some concerns with people crossing the street after being at American Icon or someone that had a couple of drinks and goes flying down the Twin Pairs may not be a good scenario. Also, the crossing near Firestone with all the pedestrian traffic is a concern.

Vice Mayor Moss asked if the City controls the speed there.

Mr. Falls said they do not. He said they can make recommendations. He said that it would have more weight if the recommendation comes from the MPO than the City itself.

Mr. Graves asked with lane reduction, does that encourage speed reduction. Mr. Falls said it encourages people to drive slower.

Vice Mayor Moss said so as she understands this. They cannot control the speed limit on State Road 60, but they can take a lane away.

Mr. Falls explained they could make a request to FDOT to proceed with the lane elimination process. He said they made that application and they were on hold waiting for this project to be placed in the work program. However, a previous Council voted to stop the process.

Mr. Graves asked how long does the application process take.

Mr. Mitts said that with the lane reduction process someone would have to pay for a lane reduction request through the FDOT. He said with that process, six (6) to nine (9) months would be a typical turnaround time. The advantage here is that the City has basically done this effort before through the MPO and the City working together in 2017, which was an update to the previous study done in 2013. He said when this came up during the Comprehensive Plan process it was decided that they did not want to pay for another full study to make this reduction request when FDOT has stated they want to consider this closest to the resurfacing project because the traffic flow needs to be somewhat current. He said that FDOT has generally been agreeable and wanting to work with the City on this issue, but their main concern is to have a State Road that gets them from the turnpike to

A1A and they look to the City to deal with local matters. He said so if the City desires this lane reduction they (FDOT) would probably not be opposed to it, but they would need some action from Council and the community as a whole saying that this is what they want. If they don't receive that then they probably will just move towards just repaving the road.

Mr. Falls said they would be looking for a Resolution from the City Council along with an updated study.

Mr. Graves asked if they could encourage FDOT to do this in a quicker time frame.

Mr. Mitts said he did not think that FDOT would have a problem if the City volunteered to pay for the lane reduction, but it is a lot of money.

Mr. Graves expressed the safety concerns that they have and this is not even on the five (5) year plan. He likes to be proactive instead of reactive.

Mr. Falls commented that in the interim they could ask FDOT for some radar speed signs and enhance enforcement. He said that is the only way they are going to be able to slow down the traffic.

Mr. Brackett asked Mr. Falls if he could ask for a speed reduction limit. Mr. Falls said they could ask, but they still need the radar speed signs to show people what the speed limit is and then enhance enforcement.

Mr. Graves felt that they needed to do something because there is going to be an accident if they don't with all the pedestrian traffic there is, especially on weekends. He would like to resurrect this study and be able to approach FDOT to see if there is something they could do to speed up the time line. It is the consensus of Council that this is a safety issue and their responsibility.

Mr. Neville commented that they have crosswalks all over the City and in some instances there are little yellow paddles that the State law requires people to stop for pedestrians at the crosswalks. Mr. Falls explained that Florida State law is yield. Mr. Neville said yielding and stopping are the same if someone is in the street. Mr. Graves explained that there is only yielding if you are in a crosswalk. He said if someone is not crossing in a designated crosswalk... Mr. Neville said they were not talking about that. They are just talking about the fact that there is a crosswalk with a paddle and without a paddle and is there a distinction. Mr. Falls said there is no distinction.

Mr. Neville said there may be no distinction, but it is a little reminder. He said where there is not this little reminder then people will blow right through and it is hard to use a crosswalk in this town without the little paddle.

Mr. Graves asked how much would it cost the City to resurrect this study and petition FDOT.

Mr. Mitts said they probably would be looking at between \$75,000 and \$125,000, which was the price range for the original study. He said they would be updating the existing study and it may be a lower price, but they have not formally requested it. He will contact their consultant and bring back to Council what a reasonable cost will be to update the study.

Mr. Falls explained if they are going to look at different alternatives then the study will have to include those. The State would be looking for upgraded traffic data. However, they could ask FDOT to enact some of these other things without having a study done.

Mr. Neville asked about the pedestrian crossing at Greytwig Road.

Mr. Mitts stated that the pedestrian crossing on Greytwig Road is scheduled to be installed this summer.

Vice Mayor Moss commented that she has some memorandums and will try to put them together with the Clerk's help so Council will have a big picture of exactly what is happening. She asked Mr. Falls to confirm with the speed indicators near the American Icon brewery that they just can't do that themselves.

Mr. Falls said they could do it themselves and pay for it themselves and ask permission from FDOT to put it on their roads. He said the City owns two (2) trailers that are being used at other places where people have asked for them. He will pay for whatever Council directs him to do. He said that the trailers cost around \$4,000 each. He said they put money in the budget each year to buy more trailers. It would take about six (6) weeks to get a new trailer ordered and procured. He said that the City can always do it themselves and pay for it, but they will not be reimbursed for it.

Vice Mayor Moss commented they know how dangerous crossing that street is and it is something that they could do right away. She said look at how much money they spent on the parking study. She said that they did a parking study because they needed to have one, but that is not taking "action."

Mr. Brackett suggested going to the FDOT and find out what they have to say. He said they are not just talking about one (1) sign. He said they would probably be talking about four (4) or five (5) signs.

Mr. Falls said that they would get some prices and come back to Council. He said that it is all a function of money. If Council gives him some flexibility, he will ask FDOT if they will do it and if they say no then he will bring it back to Council for further discussion.

Mr. Graves asked if Chief Currey could have a Police Officer in this location and write speeding tickets if need be.

Mr. Falls said yes in the area of downtown between the Twin Pairs.

Mayor Young commented that in looking at that location to his knowledge there is no pedestrian safety measure where American Icon is to go to the parking lot to the north. In his mind if there was some mechanism to alert the vehicle traffic that is hauling to the east and installing something for crossing it might be of help.

At this time, Council took a five minute recess and the meeting reconvened at 10:45 a.m.

B) Utility Customer Service – E-billing and Online Payment System

Ms. Cindy Lawson, Finance Director, announced that on Monday, February 10, 2020 the Customer Service department went live on the City's website with an upgraded online utility payment system. The new online payment and billing system is an integrated electronic payment solution that will increase their customer service quality and efficiency. It allows customers to go paperless with e-billing, pay bills online, set up recurring payments, pay by text and more. She said that in the adopted FY 19-20 budget, the Finance department reduced its budget based on closing the drive-through cashier window in March 2020 once this online system was available. Now that the Invoice Cloud/Cayenta CSS Portal is up and running, they will give notice to their customers that the drive-thru window will be closed effective March 15, 2020. Customers who wish to use the drive-thru may still use the night drop box, but no cashier will be available to assist them at the window. She said currently there are 963 people that use the drive-thru window or come in the lobby and pay.

Mr. Neville mentioned what they were always able to do on line in the past.

Ms. Lawson agreed and said that now there will be more things that can be done online once someone creates an account.

Mr. Graves wondered with 963 people coming into City Hall and paying in person, how are they going to know about the online service.

Ms. Lawson said that her staff will spend time with their customers talking to them about the online services and showing them how to use it. She said that they have already started to see a downturn in walk-in and drive-thru traffic.

Mr. Graves applauded Ms. Lawson's efforts. He had some concerns with citizens having difficulty getting out of their cars and coming into City Hall if the drive thru is closed.

Ms. Lawson explained that the public will still be able to use the drop box located outside at any time.

Mayor Young asked Ms. Lawson if she is able to track the progress of this.

Ms. Lawson answered yes. She said that she has access to metrics and daily reports. She said that they have had 125 people sign up for the online services already in just one (1)

week without any serious marketing. She said now they will talk to customers who come to the lobby and tell them the other choices that they have.

Vice Mayor Moss commented that it was good to see that they were ahead of the curve and ahead of changes.

Ms. Lawson gave a shout out to her staff for making this happen.

C) Update on Szechuan Palace

Mr. Falls reported that the City did their best and due diligence in purchasing the Szechuan Palace. He said that FDOT determined that the purchase was not an option because of the ownership that the County has in the property. They opened bids last Thursday and the highest bidder was Mr. Ron Rennick.

D) Letter to be signed by the Mayor thanking people for helping with the Airport Grant funding

Mr. Brackett agreed that the letters needed to be sent out, but suggested waiting until after Tuesday when they have discussed this item at their workshop. He also had some problems where it said “generally agreed to be at least 200,000 passenger enplanements.” He didn’t think that was the number they were looking for.

Council agreed with making a change to the letter where the sentence reads “*Small airports like VRB only wish to retain the current 80% grant percentage until the airport reaches a self-sustaining level of commercial service activity generally agreed to be at least 200,000 passenger enplanements.*” The sentence will now read “*Small airports like VRB only wish to retain the current 80% grant percentage until the airport reaches a self-sustaining level of commercial service activity.*” Mayor Young was given the direction from Council to go ahead and sign the letters.

Mayor Young commented that this is how he would like to conduct business (approval from Council).

10. CITY ATTORNEY MATTERS

Mr. Turner mentioned the lawsuit in the case of Mr. John Doe. He asked Council whether or not they wanted to hire outside counsel to represent the City in this matter. He said at the last Council meeting, they asked him to look into this and see about maybe combining the services and using the same firm that the other entities that are being sued are using since it is basically the same matter. He reminded Council that he is a one-man band these days. However, if Council wishes him to proceed with the litigation in defending the City and present a defense he would handle the matter appropriately. The School Board has hired a firm out of West Palm Beach who charges \$200 an hour and the Sherriff’s Office has hired a firm out of Winter Park that charges \$300 an hour. He talked to both firms and neither one could give him a budget or what the max would be because they do not know

what is involved. He said if the Council wanted to schedule an Executive Session to discuss this he might have more information.

Mr. Neville asked when were they served with this lawsuit. Mr. Turner said in late January.

Mr. Graves recommended getting outside counsel to handle this lawsuit. He asked Mr. Turner which firm would be his preference.

Mayor Young felt that Council was concerned on how many things that Mr. Turner is handling now on his own.

Mr. Turner mentioned that he has worked with the firm out of Winter Park and agreed that there are important issues in this case that need to be addressed.

Mr. Neville said that he has not seen the complaint. Mr. Turner said he would be happy to send it to him.

Mr. Brackett commented that the same individual is suing all of the different entities and it may be a long time before anything is settled. He recommended going with one of the outside firms.

Mr. Neville asked if all the records request are all tied together or independent.

Mr. Turner said when talking with the firms they said that they would have to make sure that there were not any conflicts with them representing more than one (1) entity in this same matter. He answered Mr. Neville's question by saying that they are all basically the same complaint. Mr. Turner said that he would stay involved in the litigation in order to cut costs in any way that he could.

Vice Mayor Moss said looking at Mr. Graves and his expertise in this matter she agreed with him about hiring outside counsel.

Mr. Neville just wanted to make sure that their interests are served primarily and not subordinate to another organization.

Mr. Turner said that he would make sure that their efforts are protected at all times. He will discuss and negotiate the terms with the firm out of West Palm Beach and bring it back to Council.

Mr. Graves stated that the consensus of Council was to get outside counsel.

11. COUNCILMEMBER MATTERS

A. Mayor Young's Matters

Sponsored presentation items by the public (10-minute time limit)

Mayor Young mentioned the last Coffee with the Mayor and how well attended it is. He said the community is appreciative and competent that this Council is on the right track. He reported that last weekend was the Brew Fest at Royal Palm Pointe. Last weekend there was a young group of veterans involved with Do you Give a Ruck that walked from Sebastian City Hall to Vero Beach City Hall in order to address concerns of this community. There was an Elks dinner hosted by the Vietnam veterans who reached out to the homeless veterans. The Little League kick off is happening this weekend. Then on Thursday night he will be attending Keep Indian River Beautiful' s yearly dinner.

Vice Mayor Moss thanked Mr. Graves for all the work that he does for the Jimmie Graves Foundation. She referred to the article that was in today's paper and said that the kids looked like they were having a lot of fun.

B. Vice Mayor Moss's Matters

Sponsored presentation items by the public (10-minute time limit)

Mayor Moss went back to the 2020 US Census. She said that all of this information is on the City's website. She commented that in terms of counting young children that if someone has a baby on April 1st that the baby needs to be counted in the census. She said by responding to the census it helps determine \$675 billion in funding for programs such as food stamps, the National School Lunch Program, and the Children's Health Insurance Program. When children are missed in the census, these programs miss out on funding that is based on the number of children counted. Vice Mayor Moss said that at the next City Council meeting she will be showing some short videos. By mid-March everyone should get a post card to respond online or mail their census information back. If someone doesn't respond by May then a census taker will come to their home.

Vice Mayor Moss reported that last night she attended the Audubon Society meeting and they spoke about the Resolution supporting Florida Forever and the money appropriated by Tallahassee needs to be spent on this program and not for other things. She said the person to contact is State Representative Erin Grall at myfloridahouse.gov. She encouraged everyone to send her an email saying that they support the Senate budget allocation for Florida Forever.

- 1) "MHA Rocks! British Invasion" Gala for the Mental Health Association on Saturday, February 22, 2020. Photographs and information attached.**

Vice Mayor Moss commented that "MHA Rocks! British Invasion" will take place this weekend.

- 2) "Stars and Stripes" Gala for Veterans Council of IRC on Saturday, February 29, 2020. See veteranscouncilirc.club for information.**

Vice Mayor Moss reported that the “Stars and Stripes” Gala for the Veterans Council will be held on Saturday, February 29, 2020. There is further information on their website, which is veteranscouncilirc.club.

3) “EcoFest” at Environmental Learning Center on Sunday, March 1, 2020. Free admission. Information attached.

Vice Mayor Moss reported that “EcoFest” will take place at the Environmental Learning Center on Sunday March 1, 2020. She will be there working a booth from 12:30 p.m. to 2:30 p.m. She encouraged everyone to come out. She said admission was free.

4) Photographs from Cupcake Challenge Race held February 8, 2020. Chief Currey, Captain Monaco, Vice Mayor Laura Moss

Vice Mayor Moss was unable to show the pictures from the Cupcake Challenge Race that was held on February 8, 2020. She said that there was a picture of Chief Currey who was surrounded by bananas looking strong and healthy and a picture of her where she was surrounded by cupcakes with her friend Sue Bergacker who won a medal in the race. She disclosed that she only ate two (2) cupcakes.

The fundraiser held to raise money for the victims of the crash involving rowers from Boston was held at Vero Fitness where different people took turns rowing for 62 straight hours. This was another fundraiser that the Vero Beach Police Department was involved in. She said that we always can count on them.

C. Councilmember Brackett’s Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Brackett thanked the Rotary Club for hosting the Brew Fest this Saturday. He said there are so many opportunities for people to volunteer and he urged the community to take advantage of these opportunities.

D. Councilmember Joe Graves’s Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Graves appreciated the nice comments made about the Jimmie Graves complex. He said that they are happy to have Coach Motta heading up all the activities.

Mayor Young told him that the facility is beautiful.

Mr. Graves thanked Mr. Falls and other City workers who met at the Szechuan Palace before they knew that they could not purchase the property. He said the letter came after they inspected the property. He knows that staff spent many hours coming up with ideas on what could be done with the building. He told Mr. Falls that they were fortunate to have

him and appreciated all of his efforts. He suggested identifying other potential historical buildings when they come up so they don't get into this position again.

Mr. Graves reported that he will again be the announcer for the Vero Beach Fighting Women's Soccer Team who will be playing tonight at the Citrus Bowl. He said that it is so wonderful to see such a nice group come together and play with their hearts. He encouraged everyone to come out and support the Soccer Team.

Mr. Brackett commented that when Mr. Graves used the word "volunteer" his face lit up. He suggested to everyone that they look outward and not only inward. It is a feeling process why people do that and give their services. It is found to be very therapeutic.

Mr. Graves commended the City Clerk for the 35 years that she has served the City. Flowers were presented to the City Clerk by the City Council.

E. Councilmember Rey Neville's Matters

Sponsored presentation items by the public (10-minute time limit)

Mr. Neville applauded everyone's service on this Council. He said it is so nice that they all get along and he thanked them for their support.

Mr. Graves agreed that it was nice to be working with such a great group of people. He said it is okay to agree to disagree with each other.

13. ADJOURNMENT

Today's meeting adjourned at 11:35 a.m.

/tb