

**CITY OF VERO BEACH, FLORIDA
MAY 19, 2020 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

A moment of silence took place.

1. CALL TO ORDER

A. Pledge of Allegiance

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

B. Roll Call

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

2. PRELIMINARY MATTERS

A. Approval of Minutes

1. Regular City Council Minutes – May 5, 2020

Mr. Neville made a motion to approve the May 5, 2020 minutes. Vice Mayor Moss seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mrs. Tammy Bursick, City Clerk, requested that item 2B-1) be removed from the agenda and that item 3-G) “Acceptance of Federal Funding Assistance for Radar Speed Signs and Forensic Light Source” be added to the agenda.

Mayor Young requested that Mr. Graves’s item be discussed after Proclamations are read. He asked for a motion to adopt the agenda as amended.

Vice Mayor Moss made a motion to adopt the agenda as amended. Mr. Neville seconded the motion.

Mr. Graves objected to his item being heard after Proclamations. He requested being heard under his matters.

Mayor Young had no problem with that request.

Vice Mayor Moss made a motion to adopt the agenda as amended. Mr. Neville seconded the motion and it passed unanimously.

B. Proclamations and recognitions by Council.

1) Recognize Two (2) Unsung Heroes – Councilmember Joe Graves

This item was removed from today's agenda.

2) Memorial Day – May 25, 2020

Mr. Neville read and presented the Proclamation.

Vice Mayor Moss commented that there are more people sitting on this Council that have served their Country than not. They have the Army, Air Force, Navy, and Marines represented.

Update on COVID-19 – City Manager

Mr. Monte Falls, City Manager, gave an update on the COVID-19. He said that the Governor signed the Declaration to move into a full phase 1. The restaurants have been opened to 50% capacity. He said that there are still some businesses that have not been allowed to open yet and he hopes that these businesses will be able to open soon. It has been two (2) months now since the first case was reported in Indian River County. For the last three (3) weeks the percentage of cases continues to go down. They are the lowest County on the Treasure Coast regarding positive testing. He said they are now at 3.4%.

3. CONSENT AGENDA (include amount of expense)

- A) Renew Debris Removal Contracts – Contract #SRVC-26-2017 – Crowder Gulf Disaster Recovery – Primary; Contract #SRVC-27-2017 – DRC Debris Removal – Secondary – No Cost**
- B) 2019-2020 Annual Street Resurfacing (Cost \$444,776.00) – WA #1 to Contract #26-2019 – PW Project #2019-13**
- C) Leisure Square Parking Lot Resurfacing (Cost \$69,300.00) – WA #2 to Contract #26-2019 – PW Project #2019-13**
- D) Approval of Audit Contract Renewal for Fiscal Year Ending September 30, 2020 – (\$82,000)**
- E) Second Amendment to Pickleball University, Inc. – License and Construction Agreement dated October 15, 2019**
- F) Request to Purchase from Worldwide Forklifts – Cost not-to-exceed \$125,000**
- G) Acceptance of Federal Funding Assistance – Radar Speed Signs and Forensic Light Source**

Mr. Neville made a motion to adopt the consent agenda. Mr. Brackett seconded the motion and it passed unanimously.

4. PUBLIC HEARINGS

A) ORDINANCES

B) RESOLUTIONS

- 1) A Resolution of the City Council of the City of Vero Beach, Florida, Authorizing the City to enter into a Public Transportation Grant Agreement with the Florida Department of Transportation for a Project entitled “Rehabilitate Southwest Apron” (FDOT #433545-1-94-01); Providing for an Effective Date. – Requested by the Airport Director**

The City Clerk read the Resolution by title only.

Mr. Falls reported that this project is included in the adopted Airport Five-Year Capital Improvement Plan and approved in the Airport Master Plan from 2016. The agreement is to fund 80% of the project in order to extend the useful life of the pavement and maintain the Airport infrastructure. Based on conversations with FlightSafety leadership, the company may be willing to fund its share, which would be 20% of the project and FDOT will be funding 80% and the Airport will be responsible for the remaining 20%.

Mr. Neville 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.

- 2) A Resolution of the City Council of the City of Vero Beach, Florida for Assistance 2020 under the Florida Inland Navigation District Waterways Assistance Program. – Requested by the Marina Director**

The City Clerk read the Resolution by title only.

Mr. Falls reported that the City engaged the services of Planning Solutions Corp. to assist in preparing a Florida Inland Navigation District (FIND) Grant application. The grant is for funding phase 1 Preliminary Design and Permitting for the Master Plan of the Marina and final design of the initial project. The project cost is in the amount of \$828,000 with FIND providing \$350,750, leaving the City responsible for the remaining \$477,250. The City’s portion will come from the Marina Enterprise Fund and/or an interdepartmental loan from the General Fund.

Vice Mayor Moss referred to the Departmental Correspondence that Council was provided with where it says in the analysis that when it comes to weakness there is none. She felt that the funding issue was a weakness. It seems that with this grant they are committing the City to spend almost \$500,000. She asked Mr. Falls if that was correct and is the City making that commitment.

Mr. Falls explained that actually what this Resolution does is to let FIND know that they are interested in accepting this grant. He said if they don't actually accept the grant then they would not spend the funds.

Vice Mayor Moss said so they are applying for it by passing this Resolution, but not necessarily accepting it. She said that is a lot of money to not be exactly sure what the source would be. She said to not be able to take public comment is also a concern. They were not able to take public comment on March 17, 2020, either when this was first discussed. So this is the second meeting that they have had on this matter without adequate public comment. She referred to where it states *public use and benefits* that this project will nearly double the number of slips associated with the Marina. She said if they are going to change the City that drastically, they need to allow adequate public comment.

Mr. Neville commented that he did not think that this was a drastic change. He knows from experience that with owning a boat that you enjoy having it, but you do not use it that much. He said in terms of consideration of impact and the neighborhood, he does not think that it would be significant.

Mr. Falls added that when they had the presentation from their consultant, the consultant advised the City that the permitting process to go through takes about 18 months from start to finish. The consultant said that they can ask for more slips than they will ultimately construct. However, if they ask for fewer slips than they want to construct then they would have to start the 18 month process back over again, which would mean that there would be a lot of time and expense in doing that. For the public's benefit in moving forward with the conceptual permitting it does not obligate the City to construct those docks. Each project would have to be approved by City Council with adequate public comment on those projects (project by project basis).

Vice Mayor Moss asked if it was fair to say that today they are not deciding to double the size of the Marina.

Mr. Falls said that is correct.

Mayor Young stated that his understanding is that the survey for the grasses has been postponed until next year. He asked if that would have any impact on how they are moving forward.

Mr. Sean Collins, Marina Director, reported that they are not looking at postponing the seagrass survey until next year. They are looking at having that done this year during the growing season, which is June through September. He said that the City Council did vote to move forward with that project.

Mr. Neville 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 said yes with the understanding that they are not doubling the size of the Marina today, and Mayor Young yes.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Tiffany Justice spoke as a member of the public and not as a School Board member. She said that she has also received hurtful comments while in office and had considered resigning. But she decided to stay, and encouraged Mr. Graves to do the same thing. She said that he has to do what he needs to do. She said she is not in his shoes. She told him that if he resigns that she will still support him and if he chooses to stay she thinks that is great also. She knows that there are people in this community who will stand up and support him. She said there is a problem in the community in the way elected officials are sometimes treated. When they allow people in this community to treat elected officials as sub-humans, they limit their choices. Because good people who love their families and love their community, why would they put themselves in a position to treat themselves other than human.

Mr. Ken Daige thanked Mr. Graves for always answering his calls. He knows that being a public servant is a tough job. He thanked Mr. Falls for keeping the Parks nice and clean. The people in this community use the Parks quite often especially now while they are going through this pandemic. There is plenty of open space and room for everyone to social distance. He said who knew something like this would happen. He thanked a dedicated staff for keeping everything clean and complimented the street sweeper for the job that he does in street sweeping the bridge. He asked the Police Chief if he could monitor the bridge more closely because there are still people driving too fast in that area.

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) **Mrs. Michelle Dale and Mr. John Michael Matthews to talk about Memorial Day – Requested by Mayor Tony Young**

Mayor Young invited Mrs. Michelle Dale and Mr. John Michael Mathews to come forward and talk about Memorial Day.

Mrs. Michelle Dale, President of Gold Star Mothers, stated that she was humble to be at their meeting today to talk about Memorial Island. She said that Memorial Day is a Day of Remembrance and it is not a holiday. It is one of honor and remembrance for those fallen either from combat or suicide. They as Americans, have to remember that and honor those that have fallen. As a mother who has lost a son she tries to do things every day to remember him and everyone else who has fallen. She is grateful for Vero Beach, and grateful that they have Memorial Island and that Gold Star Mothers continues to grow. She encouraged everyone to go to the Island and honor their loved ones.

Vice Mayor Moss thanked Mrs. Dale for the service that she does for suicide awareness. She recalled the walk that was held a few months ago.

Mr. John Michael Matthews, Chairman of Veterans Memorial Island, commented that even though they will not be having a Memorial Day service this year that Memorial Island is not closed. He said people can still go there. They are not having the Memorial Day event this year because of the large gathering of people that it draws. However, the event will be videotaped and show on social media. The appropriate sights and sounds will be displayed in the video. He reported that recently the School Board had a ceremony on Memorial Island where the Superintendent read off 22 names of ROTC students who will be joining the military. He reminded everyone that Memorial Island is there to honor all that have died in this Country and they are lucky to have it.

Mr. Falls mentioned that the flags would be flying on the Merrill Barber Bridge for Memorial Day. He said flags probably will not be flying on the 17th Street Bridge because of construction that is taking place.

2) Discuss Policy for City Councilmembers to use City letterhead and electronic signatures – Requested by Councilmember Joe Graves

Mr. John Turner, City Attorney, stated that Mr. Graves brought this matter up and he has been in discussions with the City Clerk on presenting a policy to Council. In their discussion it will be their recommendation that this would not be a stand-a-lone policy, but be incorporated in City Council Policy Matters. It would be for the proper usage of City Council letterhead by City Councilmembers for official business only. If there is a request from City Council to use the letterhead then it must be presented to City Council for their approval. This would be excluding such things as ceremonial recognitions, congratulatory matters, etc. In addition what would not be allowed is if the City letterhead was going to be used for campaigning purposes or something that is not City related business. Also, this will apply to appointed members of their Boards and Commissions. They would not be permitted to use City letterhead unless they have specific authorization of Council. They also want to extend this to the use of email. They don't have a signature block necessarily for City Councilmembers on email, but there is an email public records policy and that they must be related to City Council business. If it is the will of the Council then they can include this in the City Council Policy also.

Mr. Graves said that is exactly what he was looking for.

Mr. Neville agreed that it was the right thing to do.

Mayor Young requested Mr. Turner to bring back the Policy at their next City Council meeting.

B) OLD BUSINESS

1) 2020 US Census

Please see the City website (covb.org) or 2020census.gov for additional information.

a) 2020 Census form

b) PSA video (2020census.gov): What is the 2020 census (30 seconds)

- c) **PSA video (2020census.gov): Is my 2020 census data safe? (30 seconds)**
 - d) **PSA video (2020census.gov): How do I take the 2020 census (30 seconds)**
- Requested by Vice Mayor Laura Moss, Vice Chair of the Indian River County
Census 2020 Committee**

Vice Mayor Moss reported that as of May 11th there have been 61.5% people respond to the Census. She asked anyone who still has not responded to please do so. The deadline to respond has been extended to the end of October, but everyone should do it now and not wait. These numbers are used for funding and it is very important to have a correct headcount. The National Self Response has been 57.7, Florida Self Response has been 55.4 and Indian River County is at 61.5. She said that Indian River County is ahead of the rest because they are the best.

Mr. Neville was amazed that more people have not responded nationally.

At this time, three (3) PSA videos were played regarding the 2020 Census.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

None

8. CITY CLERK MATTERS

None

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

None

10. CITY ATTORNEY MATTERS

None

11. COUNCILMEMBER MATTERS

A. Mayor Young's Matters

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

Mayor Young commented that civility is very important to them as a community. Being a public servant is a challenging task and they have to listen and understand the pros and cons on issues. It is much more than just attending two (2) meetings a month. Each Councilmember spends a great deal of time and investment in their duties. He truly takes pride in this City Council. When they began this year he referred to a multi-strand rope and if one (1) of the strands was to break there would be strength in the other strands to

hold them together. He is always looking to the other members at the dais to pick up his slack. He said to have people with different strengths builds confidence for people in this community. At the end of the day, they serve their residents to the best of their ability. He has had a great deal of pleasure working with each one (1) of them. He said that whatever decision that Mr. Graves makes that he will respect it. They all have families to consider. They welcome Mr. Graves and would love to see him stay if that is his decision.

Mayor Young mentioned that this Wednesday he will be having Mrs. Helene Caseltine, from the Chamber of Commerce, come and speak about the Coronavirus in regards to the businesses in this community. He said that it would air live at 1:30 p.m. on Channel 13 and on the City's website.

Mayor Young agreed with others that have said that Memorial Island is one of the most important things that they have in Indian River County. It is a place of refuge. He commented that he was extremely proud of their community, Council and staff of the City of Vero Beach.

B. Vice Mayor Moss's Matters

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

Vice Mayor Moss reported that the Florida Cattle Women will be celebrating "Florida Ranches Showing our American Pride." They are asking all Florida Ranches to fly "Old Glory" at their ranch entrances, Memorial Day weekend, May 22 – 25, 2020. Then take a picture of their American flag up and flying and send it to them and they will post it. She thought it would be great for the community to do this and then post it on their facebook page.

Vice Mayor Moss briefly went through an unsung hero story that occurred yesterday. She was standing in front of Fresh Market and Santa Claus and his dog walked passed her. She asked Santa Claus what was he doing here and he said he has lost track of time from being quarantined too long. He had people laughing.

Vice Mayor Moss thanked Mr. Graves for serving on the City Council. She said she and the Mayor have been in office the longest of the five (5) City Councilmembers on Council at this time and they started in November, 2016. She has been the Mayor, the Vice Mayor, and a Councilmember and it is a tough job. It is a real commitment and it doesn't come easy and doesn't come without taking a toll of some kind on anybody. She was thinking about that this morning and was thinking about celebrity sport figures who are making big salaries and they always have people cheering them on. She thought to herself there is no big salary here and no one cheering the Council on. Someone sent her Mr. Graves's letter that he put on his facebook page and she was very heartbroken when she read it. She wanted to make it clear that she and Mr. Graves are not "friends" on facebook and the City Attorney does not have to worry. But, she has to say that she is just so sorry, she doesn't know what happened, but is so sorry if any personal harm could have come to him (Mr. Graves) in his service. She has been on the Council for four (4) years now and she so

enjoys this City Council and the balance that they have. It is really terrific. She hoped that perhaps he would reconsider, but she knows it is his decision. She told Mr. Graves that she admires what he brings to the Council and whatever he decides it has been a true pleasure to sit with him and to work with him. She was so sorry that any harm could come to him because of his service. She asked the community and the media to be kind to the City Council. She said no one ever puts out signs for the Council. They are never the heroes and they never get to be the heroes. They are usually the bad guys and sometimes they have to be because that is their job. She said it is a tough job and she doesn't want people to get discouraged. She is in the community a lot trying to encourage young people to run for office and to take the risk like Mr. Graves has done. She said that Mr. Graves came in first, the top vote getter for the election that he ran, so God bless him and that is quite an accomplishment. She always brings that message to young people. She wants them to understand that politics is not a dirty word and if you don't control it, it will control you. She wants to encourage the young people to run for office as difficult as it may be and not to discourage them. She again thanked Mr. Graves for his service and told him that she appreciated it.

C. Councilmember Brackett's Matters

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

Mr. Brackett encouraged the community to support their local businesses. He commended Walking Tree Brewery and the Tides Restaurant for coming up with innovative ideas in order to help their businesses survive.

Mr. Falls reported on Leisure Square is reopening slowly. He said that the gym will reopen on Wednesday and classes will start probably next week making sure that social distancing is being followed. These things will be posted on the Recreation facebook page.

Mr. Brackett thanked Mr. Graves for everything that he has done. He hopes that he will reconsider staying on the Council, but he will support him in whatever he chooses to do.

D. Councilmember Joe Graves's Matters

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

Mr. Graves commented that he has written probably 10 different drafts of what he was going to say today and has torn them all up. He didn't know what he was going to say walking into the Chambers today. He appreciated Mrs. Tiffany Justice coming to the meeting and speaking today. He said that his son passed away on November 4, 2016 from a boating accident. The death of his child has made him particularly sensitive toward statements made about his family. He said that right now it is particularly hard because his son would be graduating from high school, which is something that he will never see. He will never see his son go to college or graduate or get married. Anyone that has experienced a loss of a child lives with it every day. He said they may not show it, but they feel it. This has renewed his faith in God and the commitment to live life to its fullest. His natural

extinct is to fight back and that comes from being a lawyer. But, he is not going to go there because he does not want to be that kind of person. His family has been through a lot. One of the great joys they have had is adopting two (2) girls from Columbia and are in the process of adopting a son from Columbia. When the girls came to the United States they could not speak any English. Now one daughter is in the ninth grade and the other daughter is in the fourth grade and they make very good grades and speak English well. He recalled a letter that his daughter recently wrote to him talking about the trust that she now has for her new family. The relationship that he has with his new family is something that he will always cherish. When he ran for City Council he didn't know that he would be adopting another child this summer and would be going through the same process with him. His relationship with the Lord is very strong, as well as his desire to protect his family. He ran for office because he loves this community and wants to help. When his son passed away he felt the overwhelming support from this community. So when he goes through some things that occurred last week, comments being made from another organization that is not affiliated with the City, but it becomes about because of the microscope that they are all under as a City Councilmember. Then on Friday to get another message on that same topic that just says simply you're an idiot is hurtful and hard, especially for someone whose heart is to try and make this community better. He doesn't have a desire to run for a higher office. He felt that he had something to offer to the City and he wanted to serve. He thinks that City Council has a very difficult job here. It takes a lot of work to vote what they vote on. They may not always agree on everything, but everyone is up to date and are educated on the issues that they vote on. The decisions that they make get portrayed in the media and the things printed are not always based on all the facts and is unfair for the Council that is working very hard. Stories that contain only convenience facts or things that sell clicks or readership. It may be good for their paper or media outlet, but it is unfair because it is not in his mind truthful. It happens to this Council a lot. They put a lot of work into understanding the issues that are brought before them. He said that citizens may not always agree with the vote they take, but they have come to that decision based on thought, research, and reasoning. They can debate the issue, but when it becomes personal that is not right. It is something that they see in National news, National politics and unfortunately they see it in other parts of their State and County. He said that is not who they are as members and citizens of Vero Beach. They are better than that. He ran for office because he wanted to stand for some certain things that he wanted to see for their law enforcement officers. He wanted to stand for their firefighters and local businesses. He wanted to try and look at issues that would make the City better. He agreed with Vice Mayor Moss that they have a well-balanced City Council here. It has five (5) people representing five (5) different views and leaving would mean his point of view would no longer be represented. He has thought about this a lot. The easy thing for him to do is just walk away. It is easier for him and it is easier for his family. But it throws this Council into disarray. All he wants is to make this community better. He has reconsidered his position. He has chosen to stand up and do what he was elected to do. He enjoys this work. He asked the public to consider their comments before making statements from behind a keyboard about elected officials. They can debate the issues. They can agree to disagree. But, those debates should be respectful. He thanked everyone for the support that he has received. He has prayed about it and the decision that he has made is to remain on the City Council.

E. Councilmember Rey Neville's Matters

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

13. ADJOURNMENT

Today's meeting adjourned at 9:34 a.m.

/tb