

**CITY OF VERO BEACH, FLORIDA
JULY 21, 2020 8:30 A.M.
REGULAR CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

The invocation was given by Deacon Don Battista of St. Helen Catholic Church.

1. CALL TO ORDER

A. Pledge of Allegiance

Mr. Graves 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 – June 16, 2020

Mr. Brackett made a motion to approve the minutes. Vice Mayor Moss seconded the motion and it passed unanimously.

2. City Council Workshop/Special Call Minutes – June 23, 2020

Vice Mayor Moss made a motion to approve the minutes. Mr. Brackett seconded the motion and it passed unanimously.

3. Special Call City Council Minutes – June 30, 2020

Vice Mayor Moss made a motion to approve the minutes. Mr. Brackett seconded the motion and it passed unanimously.

A. Agenda Additions, Deletions, and Adoption.

Mayor Young suggested hearing item 6A-4) with item 2A-3) since it deals with Dr. Callahan's discussion.

Mr. Monte Falls, City Manager, requested that item 3-3) be pulled off of the consent agenda and discussion take place. He also requested adding item 9-A) under City Manager's Matter's "Discussion of CARES Act."

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

Mayor Young reminded everyone of the three (3) minute rule when speaking under Public Comment. He said that unless Council extends someone's time to speak they will adhere to the three (3) minute rule. He asked the people speaking to be mindful of their comments.

B. Proclamations and recognitions by Council.

1) Treasure Coast Waterway Cleanup Week – July 19 – July 25, 2020

Mr. Brackett read and presented the Proclamation.

2) Mr. Paul Mills, Information Technology Manager, to receive his 25-year plague for his services to the City of Vero Beach

Mayor Young presented Mr. Paul Mills, Information Technology Manager, with his 25-year plague for serving the City of Vero Beach.

3) Dr. Charles Callahan/Cleveland Clinic to speak on the Coronavirus/Infectious Disease

Dr. Charles Callahan of Cleveland Clinic was at today's meeting to give the City Council some guidance.

Mr. Graves reported that a few weeks ago he asked the City Clerk to reach out to one (1) of their local infectious disease doctors to come before the City Council because he felt with all the different opinions that are circulating in the community that they needed some guidance if they were going to make policy decisions. What he is trying to do is find out facts that they can base policy decisions on and he would like to ask some questions. He asked when dealing with the Covid crises, is there a consensus among the medical community whether or not it is transferred via droplets or aerosol.

Dr. Callahan said the consensus is that it is transmitted three (3) different ways; one (1) is by contact, which includes stool, one (1) is by droplet as is consistent with all respiratory viruses, which are particles that are greater than five (5) microns, which is important because of their limited ability to float in the air and maintain infectivity, and one (1) is probably aerosol, although that is the most controversial. He explained that aerosol is believed by Americans to play a significant role, but the World Health Organization seems to disagree.

Mr. Graves questioned when referring to contact, that is touching a surface that someone who is infected has touched.

Dr. Callahan said contact is probably the least relevant, although they do place a lot of importance on it. He thinks that droplet transmission is the most relevant. He explained that droplet transmission is from a cough or a sneeze. They know that up to one-third of the people are asymptomatic spreaders, which means that they have the ability through voicing, singing, talking, coughing, etc., to transmit without showing any signs of infection, which makes it difficult to control. He said people who are symptomatic probably go through an asymptomatic phase, which makes them also potential sources of infection.

Mr. Graves said in the environment in Florida where they have the temperature and humidity, what are the odds of the Coronavirus being transferred to a casual contact while being outside.

Dr. Callahan said that is less clear. They know that most respiratory viruses are degraded by increased temperature and UV light, but as the example of the outbreaks in Florida seems to confirm, unfortunately this virus is not as susceptible. They know most respiratory viruses are seasonal, but this does not seem to fit the typical respiratory virus.

Mr. Graves asked is there any scientific study or scientific basis that wearing masks outside during a casual contact would be necessary.

Dr. Callahan said the studies are unclear, but most people believe if you are an asymptomatic or pre-symptomatic spreader that you do pose an increased risk. He said the masks are more effective in preventing transmission from someone who is infected than they are in preventing an infection from someone who is not infected, but exposed.

Mr. Graves said the term casual contact seems to be defined as interaction with someone for a period of less than 15-minutes and a close contact would be interaction with someone in excess of 15-minutes. He asked is that correct.

Dr. Callahan answered yes.

Mr. Graves asked is it a threat to someone who is or is not wearing a mask when walking by someone outside on the street.

Dr. Callahan said that he does not know the exact answer, but that threat compared to someone indoors would be less.

Mr. Graves asked would you agree that it really is primarily an indoor threat.

Dr. Callahan said there is much more of a risk in indoor close contact for a period of time than passing someone on the street. However, they do know that coughing or sneezing plays a significant factor. That is the reason for the six (6) feet of separation without a mask which is probably as affective outdoors as wearing a mask.

Mr. Graves said then what they need to be worried about outside is large gatherings of people.

Dr. Callahan said that is correct. He said large gatherings of people in close contact without masking for long periods of time would be the same risk as being indoors.

Mr. Graves asked is there any consensus among the scientific community as to why they are having this increase in Coronavirus diagnosis.

Dr. Callahan said in looking at the Health Department numbers, they are in a geometric progression. He reported that on May 31st they had 17.5 people per 100,000, on June 28th they had 170.7 per 100,000, and on July 12th they had 223 per 100,000. This means if they don't do some kind of intervention they are probably going to have several thousand people per 100,000.

Mr. Graves asked is there any type of effective contact tracing being done in our County.

Dr. Callahan said the Health Department does do contact tracing. He explained that the hospital gives the Health Department all the names of the positive patients that they have tested and the Health Department attempts to do the contact tracing.

Mr. Graves asked do they know where people are getting the virus.

Dr. Callahan said the vast majority they see who are hospitalized, as well as their employees who are positive are from community spread.

Mr. Graves said a few weeks ago there were large mass gatherings. He asked do you feel that played a role in the spike.

Dr. Callahan answered absolutely. He said when they reduced the restrictions and over the Memorial Day weekend, that was the beginning of this exponential climb. He said when they initially had the cycle in March there was a reduction in the number of people and they were able to suppress the curve, which exploded after Memorial Day. He felt that the July 4th holiday was less because they realized that they were in the middle of something much worse. He reported that the number of positive patients they have in the hospital exceeds what they had in March.

Mr. Graves said some of the things that he read is that it is attributable to large family gatherings or people getting involved in large groups and coming back to their families and spreading it.

Dr. Callahan said initially in March what they saw for the most part was older patients, nursing home patients, and patients who traveled from the northeast to Florida. Now they are seeing much younger patients. The risk factors is mostly obesity and diabetes, which are the patients that end up in the hospital. In looking at the total positive numbers, there is a shift downward in age compared to what there was before.

Mr. Graves said that he looks at the dashboard daily and it looks like even though the infection rate is up in a younger demographic, the hospital rate and death rate has stayed about the same.

Dr. Callahan said the death rate is staying about the same, but the hospitalization rate has increased.

Mr. Graves asked how many beds are available at Cleveland Clinic.

Dr. Callahan said they have plenty of beds. They have two (2) dedicated non-ICU Covid floors, one (1) with negative pressure, one (1) they can convert to negative pressure if they need to, and they have one (1) dedicated ICU. He said as of this morning they are managing about 30 patients.

Mr. Graves questioned ventilators.

Dr. Callahan said they have plenty of ventilator capacity. He reported that they created a surge plan at the beginning of this in March with the expectation that this would be much worse than it was and they still have that capacity. He noted that they are limited in staff in that they are a seasonal hospital and are not used to having this high number of patients during the summer. He said they are also limited from fatigue because this has been going on for four (4) or five (5) months straight. He implored everyone to please do what they can to prevent this transmission because staff is exhausted.

Mr. Graves questioned so as policy makers what they need to be concerned with as far as masking outside is when there are large gatherings of people.

Dr. Callahan said it would be prudent to not have large gatherings of people and to mask indoors.

Mr. Graves questioned large gatherings of people outdoors.

Dr. Callahan said there should not be large gatherings of people under any circumstances.

Mr. Graves agreed. He said family gatherings is not something they can control, but that is another method of transmission.

Dr. Callahan said that is correct. He said in certain communities there are multiple generations of people living in the same house and typically what they will see is an asymptomatic or mild symptomatic child or young adult bring it into the house. They have had situations where brothers, sisters, grandmothers, daughters, etc., were all hospitalized at the same time. He said there is probably not much they could do to legislate against that, but he hopes that education will help.

Mr. Graves said there were some studies that initially said a meter, which is about 3.2 feet is an appropriate distance, but that has been extended to six (6) feet. He asked Dr. Callahan if that is the optimal social distancing for indoors.

Dr. Callahan answered yes. He said that has been the general consensus and recommendation by the Center for Disease Control (CDC).

Mr. Graves asked if you are indoors in a well ventilated building, what are the chances of transmission from one person to another if social distancing is occurring and contact is less than 15-minutes.

Dr. Callahan said it is probably low, but he didn't know if anyone knows the statistics. He felt that the aerosolization part of this is the unknown factor. He said it has been found in ventilation systems, on surfaces, etc.

Mr. Graves said we (the City Council) have to deal with the facts as they know them now, which is why he is asking these questions. He said basically what they need to be concerned with is indoor close contact and six (6) feet. He asked is that correct.

Dr. Callahan answered yes, that is the general consensus.

Mr. Graves asked what are the odds of transmission with casual contact of less than 15-minutes without social distancing.

Dr. Callahan didn't know if anyone knows that. However, for asymptomatic spreaders and for people who are pre-symptomatic spreaders it could be potentially risky.

Mr. Graves asked is there any study that would guide them.

Dr. Callahan said the studies about mask wearing has demonstrated that for influenza and the Coronavirus, mask wearing from a patient who is infected reduces the risk of transmission by up to 40%.

Mr. Graves said it is confusing when reading all the different articles, which is why he wanted Dr. Callahan to come today because depending on the way you read the information or where you hear it, the facts can change. He said that he really appreciates him coming and answering their questions. He said as policy makers they need to be worried about gatherings outside and close contact of 15-minutes or more where social distancing is not possible. He asked Dr. Callahan if he would agree.

Dr. Callahan said that is a middle of the road approach. The policy at Cleveland Clinic is that everyone wears a mask or they are not allowed in.

Mr. Graves said what they are tasked with as a legislative body is to take what they know as far as facts and capture in terms of what is reasonably necessary. In his mind they are trying to come up with a policy point that makes sense and that is based on facts. In his

view, to render an Ordinance or legislation where someone can be punished by a fine or imprisonment it needs to be what they know are facts. He asked if this is aerosol borne, how effective are masks.

Dr. Callahan said all the studies have shown that if someone is infected either asymptotically, symptomatically, or are a super-spreader, the mask on that individual reduces the risk of transmission to other people. He said they are not full proof and cloth masks are not as effective as surgical masks. He feels that there is plenty of data from the past 15 or 20 years that the CDC has put together that shows masks are a good thing. As far as people's rights, quarantine and quarantine laws goes back to the middle-ages.

Mr. Graves questioned restaurant workers who have casual contact and are not having close contact because the interactions are brief, as far as droplet transmission or aerosol transmission to a diner.

Dr. Callahan said to focus in on casual contact is difficult because no one can define it. In areas where there are large groups of people coming in and out, such as from restaurants and bars, they have seen data that those areas are high areas of transmission.

Mr. Graves questioned even with 50% capacity.

Dr. Callahan explained that it is two (2) or more people interacting with each other. All it takes is one (1) person. If they look at the number of restaurants where employees tested positive, because they don't have the data it is hard to say how much was community spread versus work associated.

Mr. Graves asked how effective are surgical masks in stopping aerosolization particles.

Dr. Callahan said they are probably not as effective as N95 masks, but they don't have enough N95 masks and wearing them for long periods of time is very difficult. He said that is one (1) of the reasons they added face shields as a potential extra layer of protection.

Mr. Graves asked if he can quantify that.

Dr. Callahan answered no.

Mr. Graves said then they really don't know how affective they are.

Dr. Callahan said something is better than nothing.

Mr. Graves said that he understands the droplets, but questioned the aerosolization.

Dr. Callahan explained that the particles can float in the air for an extended period of time and no one has been able to state definitively how stable this virus is in those particles or how infective they are. He said those studies are ongoing, but if they look at the historical

data based on other viruses similar to Covid it is believed that aerosolization will play a role.

Mr. Graves said the question is that they are trying to come up with a mask policy, but they don't know how effective the mask would be against aerosolization.

Dr. Callahan said that is a small component of this. He said the droplet and the coughing and sneezing component of this is enough to justify a mask. If aerosolization plays a role, it plays a less common role, but wearing a mask would prevent transmission from infected patients.

Mr. Graves said that he is just trying to get to what they scientifically know about this in transmission so they can make a decision.

Vice Mayor Moss thanked Mr. Graves for inviting Dr. Callahan to today's meeting. She also thanked Dr. Callahan for being here. She explained for the community that as policy makers they are placed in a position of making what are in fact medical decisions based upon changing information, shall they say, which she felt was a fair characterization. She referred to the Journal of American Physicians and Surgeons current issue (on file in the City Clerk's office). She said even within the same article, which she thought Dr. Callahan hinted at this earlier, this goes along with what Dr. Callahan said. She then read from page 41 of the article, "*Models predict that if 80% of the population wore masks that were 60% effective, the rate of transmission (RO) would drop below one (1), enough to stop the spread of disease.*" She said this is according to a study that was done at Oxford. She said literally on the very next page of this article, and this is what Dr. Callahan referred to earlier, and this is the World Health Organization, it states, and this is a quote, "*From a medical point of view, the general obligation to wear mouth protection in public places that is still being introduced cannot be justified at all.*" She said this is the current issue, that's the same article, literally on the next page. She thought that was what Dr. Callahan, when he started the conversation today was referring to, that there is contradictory information.

Dr. Callahan said there is. He said that he has lost count of the exact number, but he thinks there have been over 70,000 general articles published since the beginning of the year. He said numerous studies have been published about all aspects of this disease that have not met review. He explained that they have not been published, but announced on social media or on the news. Because this is moving in real time, a lot of decisions they are making are made without being vetted through normal traditional routes. He said they are moving very quickly and there is a lot of disinformation and politicization. He did not think the World Health Organization's masking philosophy represents the vast majority of the scientific community or the public health community.

Vice Mayor Moss referred to an article from the Wall Street Journal entitled *Evidence Mounts That Masks Help Curb Infections* (on file in the City Clerk's office). She read from the article, "*Individuals with normal lungs, and even many individuals with underlying chronic lung disease, should be able to wear a non-N95 facial covering without affecting*

their oxygen or carbon-dioxide levels. Exemptions should be at the discretion of a physician.” She asked Dr. Callahan to comment.

Dr. Callahan said that he wears a mask all the time in the hospital, staff wears masks, and a lot of their patients wear masks. He said that he doesn't want to. He would love to be able to see people's faces and interact with them the way they did prior to this. But, this is a crisis and regardless of the reasons why it has happened or what the appropriate action should be, we, in Indian River County, are in a geometric progression and if they do not take some action to curve the number of transmissions downward they are going to be just like south Florida and it is going to happen within the next 30-days.

Mayor Young thanked Dr. Callahan for being here. He said that he had the chance to meet him back in March before they got into the middle of this. He said that his thoughts have been modified based on the current situation. He said that he was alarmed when he was called a week ago and it was mentioned that the support staff had a daunting task, unlike anything they had before in addressing the Covid patients. He said you mentioned there were plenty of beds, but his understanding is that the number of ICU beds is a point of concern.

Dr. Callahan said they have plenty of ICU beds and plenty of ventilators. He explained that taking care of Covid patient involves all aspects, Respiratory Therapists, Lab Technicians, Infectious Disease Doctors, nursing staff, etc. When patients get really ill they have to flip them on their stomach to help improve ventilation, which takes six (6) to eight (8) people. Each one (1) of the critical ill patients requires an incredible amount of resource with medications, equipment, and people. He said what they don't want to see is a huge increase in those numbers. He noted that once you are hospitalized for Covid, you have a 20% to 25% chance of dying. If you are on a ventilator, you have a 60% chance of dying. These are horrible catastrophic outcomes for these families. He implored the City Council to consider that if they can prevent some of these people from having to go through what has happened up to this point, by asking people to wear a mask, that is a very small price to pay, a small price to pay in personal freedom, and a very small price to pay in society, compared to the consequences.

Mayor Young said the dilemma we (the City Council) face is we have already made the strong recommendation that people wear face coverings. His concern is that his estimate of the Cleveland Clinic is that more medical staffing is nearing a tipping point in the ability to provide for the type of care they anticipate with the rate of infection of the virus.

Dr. Callahan said it is a worry, but not a concern. They can increase their capacity and they have. He said there are multiple hospitals on the Treasure Coast and they share drugs and knowledge back and forth on a daily basis. He said the longer this goes on, the more he feels they will have staff fatigue. He said if they could turn the tide in the number of patients even a little that would make a big difference.

Mayor Young said his understanding is if you are Covid positive in Sebastian, the Sebastian hospital refers those patients to Brevard. Therefore, Cleveland Clinic is for Indian River County as far as hospitalization.

Dr. Callahan said that he doesn't know that for sure, but he has heard that.

Mayor Young said the bottom line is that it is their duty to preserve the capability that they have. He asked if you were advising the Council, would you make it mandatory to say to the community that we understand the imposition, but in light of the situation it is appropriate.

Dr. Callahan answered yes. He said that he would make that recommendation.

Mayor Young said he knows that part of the reason they are here is that there was a decision not go to that direction elsewhere and the Hospital District made a proclamation for them to review it again. He asked is there any logic to that.

Dr. Callahan asked if he means as far as the County reconsidering.

Mayor Young said the Board of the Hospital District felt it was imperative that the decision to not go that direction should be reviewed again.

Dr. Callahan said that he agrees with that. He said this is a geometric progression. If you extrapolate our current rates for the next 30-days, we are looking at a significant increase in the number of people infected.

Mayor Young said the other concern is that none of us singularly can make a decision that dictates where they are going. It has to be a collaborative process, which means that we have to meet in this forum. If we were to refer this to a normal Ordinance process, it would take about a month. He asked is the urgency of this sufficient that we act sooner than that.

Dr. Callahan said if they wait a month they are going to be in much worse shape than they are now.

Vice Mayor Moss thought that was what Dr. Callahan had already said. She thanked him for the clarity with saying this. She said you have been very straight forward and God bless you. Every day you are face to face with Covid and wearing face masks, which is a very small thing to ask of us compared to what you do for the community every day. She thanked him very much.

Mr. Falls asked when he talks about large gatherings, are they still talking about less than 50 or smaller than that.

Dr. Callahan felt at this point any group of people together without social distancing is a risk. So, he would say less than 50. He said they are in the middle of an epidemic.

Vice Mayor Moss asked Dr. Callahan if he had a number in mind.

Dr. Callahan said that he does not personally have a number. He felt that the CDC has outlined these things very clearly and social distancing of six (6) feet apart and any number of people over 15 or 20 would probably be difficult to achieve.

Mr. Graves said their number one (1) defense is keeping hands washed and social distancing.

Dr. Callahan added as well as wearing masks.

Mr. Graves said we know that keeping our hands clean and keeping six (6) feet away from people is our number one (1) defense.

Dr. Callahan said he thinks that is in addition to some sort of barrier to prevent transmission from aerosol or droplets.

Mr. Graves said based on the science we know right now, if we are in excess of six (6) feet we are at a safe distance and the risk of transmission is low.

Dr. Callahan said the risk of transmission is less.

Mr. Graves asked as far as masks stemming new infections, do they know with scientific certainty that masks are going to do that.

Dr. Callahan answered yes. He said in looking at other areas with bad outbreaks, such as New York, mandatory masks abated the ability of transmission.

Mr. Graves said it was a mask policy in addition to other things, such as closing bars where people could gather. He said you can't just say it is all masks. It is a combination of things.

Dr. Callahan said studies have shown that mask wearing reduces transmission from infected people by 40%.

Mr. Graves said that he has not seen a study, but he has seen observational reviews where tests were done on a small number of people. He said you have stated that nothing has been peer reviewed so nothing has been vetted. He said everyone has some kind of bias when sending information on the news or when writing articles that are not peer reviewed. They are all written based on bias of the writer. That is why we have peer review in the medical field so we have other doctors reviewing the research to be sure that it is unbiased.

Dr. Callahan said if you look at Chinese data from the outbreak, there was a review written by Duke that summarized the effectiveness of mask wearing. He said there have been several articles published about the reduction of transmission for people that are infected who wear a mask.

Mayor Young said there was a recent article in the Wall Street Journal that stated face masks really do matter. He asked is that consistent with what you are seeing.

Dr. Callahan answered yes. He thinks that is consistent with what the CDC and all the infectious disease and public literature has said, that mandatory masking is effective and that cloth masks are the least effective and surgical masks are more effective, but that anyone who wears a mask who is infected reduces their ability to transfer to other people.

Vice Mayor Moss referred to the article in the Wall Street Journal that she quoted earlier. She said it refers to a study that was published in the Journal *Physics of Fluids* and the research was done by Florida Atlantic University. She said it states that Dr. Verma said, *“It was surprising in a good way to see that a homemade mask could do so well, that we don’t have to get a very fancy mask. A cotton mask can be washed at home and dried. Reusability is becoming important as we go into this for the long haul.”*

Dr. Callahan felt that was the most important part. He said we are probably about six (6) months away from any meaningful vaccine and the effectiveness of it is unknown. He said there are no other real options available other than masking to help reduce the number of people infected. He said when you look at potential possible ways of curbing the infection that is the only option left.

Mayor Young referred to an article from American College of Chest Physicians that was written on July 16, 2020. He said it states that the asymptomatic individuals transmit by coughing, sneezing, etc., which is a concern. He said if you were asymptomatic logically a mask would be a barrier.

Dr. Callahan said asymptomatic spread accounts for about 35% of transmission and they know there are a certain group of people who are pre-symptomatic for 24 to 48 hours before they have symptoms.

Mayor Young said we don’t want to have further economic impact. He asked if they were to have mandatory masking, do you think that would help safeguard some of the economic downturn.

Dr. Callahan answered yes. He said that he has friends who own a restaurant and they were shut down at the beginning of this and then they reopened and they told him very clearly that if they have to shut down again that will be the end. He felt there were a lot of businesses like that and if they can reduce the risk to them by making masks mandatory, that is a big win.

Mayor Young said what they need to know is the urgency because it takes this body to make a decision.

Vice Mayor Moss said it is urgent. She said Dr. Callahan has said that. It is urgent.

Dr. Callahan said it is geometric progression. If they look at the Health Department numbers since May 31, 2020, they have gone from 17 to 200 per 100,000. It is a geometric progression and there is no other way to stem the tide. He said there is no other action that can be taken other than masks to help reduce the risk of infectivity.

Vice Mayor Moss thanked Dr. Callahan for stating that so clearly.

Mr. Neville said that he completely agrees that wearing masks is a way to mitigate and allow them to keep their economy open.

Mr. Graves said that he thinks they have to look at facts. If they are legislating something that is requiring the citizens to do something it has to be based on what they know. He referred to an article that was written in Live Science in June and they have some quotes from the CDC (on file in the City Clerk's office). He read in part from page 2, "*The bottom line, experts say, is that masks might help keep people with Covid-19 from unknowingly passing the virus. The evidence for the efficacy of surgical or homemade masks is limited, and masks aren't the most important protection against the coronavirus.*" He said it states only masks, especially if they are single layer cloth, only impede about 2% of airflow, N95 masks does 95% of the particles, surgical masks does 30% and homemade masks do not seem to be very efficient except maybe to trap droplet transmission during a cough or a sneeze. It also states, "*...experts are still mixed on the potential usefulness of N95 masks.*" He said medical professionals do not want citizens getting the N95 masks because they need to reserve them for the medical people. He said it also states that homemade masks are likely to be a small piece of the puzzle for controlling Covid-19 and that we should not be relying on masks to help us get back to normal. He said masks are important and he wears a mask everywhere he goes. But, one (1) of the issues is that people feel that masks are going to keep them from getting infected, which is wrong. He said you shouldn't ignore social distancing and handwashing just because you have a mask on. He said that he was looking at the Hopkins Medical website and they discussed that speaking, coughing, or sneezing led to the recommendation to wear a mask in public, especially in situations where social distancing is difficult, such as grocery stores or public transportation. But, people who do not wear masks properly. He said that he was in a doctor's office yesterday and there were two (2) older gentlemen who had their mask down below their chin, which is what they don't want people to do. He said that he was at a fast food restaurant and the workers had masks on, but they were down below their nose. He said Mayo Clinic states that masks may provide some protection when N95 masks are not available and that cloth face coverings most likely will reduce the spread. He said there is nothing definitive from these health care providers that this is going to stop the spread. He said it makes sense and he understands what Dr. Callahan is saying. It makes common sense that we can contain these droplets, but the science, as far as casual usage and casual contacts, in his view is not there. He then referred to the Open Forum Infectious Diseases (on file in the City Clerk's office). He said there has not been any clinical trials or studies, but they did an observational study of a wedding that was held in Wuhan, China. He said they came away with the conclusion that there was a .6% chance of transmission of the Covid virus through a casual contact indoors. He then referred to an article in the Lancet (on file in the City Clerk's office). He read in part, "*Robust randomized trials are needed to better inform the*

evidence for these interventions ...” He said it also states that eye protection is just as important because that is another point of entry into the body and that distancing is important in that the risk of infection is highly dependent on the distance of the individual who is infected. He said an article was published in June and this is where the confusion comes in because Dr. Adalja was quoted, *“I don’t think we are at a point where there is strong evidence that mask wearing by the general public will be helpful and I don’t think it is prudent to advocate for this where the real concern is for healthcare workers.”* He said that is what he sees when he reads this. He said in his view when they are talking about a policy or a mandate, they are either going to hold people civilly through some type of fine or criminally responsible there has to be some basis, not guessing or hoping. He said that he is for wearing masks and they should do everything they possibly can, but when it comes to an Ordinance requiring people to do something it should be based on clear science. He thanked Dr. Callahan for coming today and answering their questions.

Vice Mayor Moss said that she thinks, and Dr. Callahan and the journal she has indicates it, that the data is contradictory at times, but she thinks that Dr. Callahan has spoken with great clarity about what they need to do as a community and this is based on his knowledge, training, and experience as a physician and his knowledge of their own community. He is here and he is face to face with Covid every day. She sincerely appreciates the clarity with which he spoke today. She understands it is urgent. He has mentioned the word “exhausting” to care for these patients. She said we don’t want to tax staffing any further than they have to. She appreciates that he has been so clear cut about this, that it is urgent. She said this is awkward for the City Council and you can see that. She said to be in government and have to, in effect, make a medical decision, this is an unprecedented time by definition. She appreciates Dr. Callahan for being here today.

Mr. Brackett said this information has been very insightful and he has taken a lot of notes. He said it is difficult when you find so many contradictory things and it is nobody’s fault. It is simply the fact that this thing hit six (6) months ago and it takes time to do studies and peer review, etc. He said it is a situation for him as well. He said that he has to get emotions out and he is dealing with two (2) parents who have it. He said it is tough not to factor that into this. It is a tough call and there are a lot of unknowns out there. He appreciated Dr. Callahan for coming. He said that he took a lot of notes and will take it all to heart and they will try to make a good decision.

Mr. Neville felt that they have gotten as much information from Dr. Callahan that he has to offer. It is clear to him what he thinks they need to do. He thanked Dr. Callahan for being here.

Dr. Robert Turner thanked the City Council for inviting them to discuss the importance of doing all they can to maintain a viable asset for the community. He said they are here for all Indian River County residents and not just those who have Covid. He said the more Covid patients they admit the less their ability to take care of everyone else. The more this community attracts this disease the more it takes away their resources for other patients. They have to take care of everyone, not just the patients who have Covid. That is why they feel it is important to do everything they can to try to curve this disease. He said they are

at pre-New York numbers and New York shut everything down. He said instead of shutting everything down, let's do everything they can to help curve it without shutting things down.

Mr. Graves said that he believes in masks and thinks everyone should wear one. He said when they previously discussed this he mentioned in places where social distancing is not possible, that is something they should consider. He said they did pass an Ordinance strongly recommending it and they are seeing local businesses follow suit. The difference between what we have here is if they should mandate people to do something versus people following suit and doing it on their own. He doesn't think anyone disputes, and he does not dispute, the importance of wearing a mask. He said we all can take steps and the politicization of this issue is not helpful to anyone. This has nothing to do with politics. They need to come together as a community and say this is the right thing to do and the right thing to do is to wear a mask. When you go in public it is respectful to your fellow citizen. He said we should be throwing the kitchen sink at this and try to do everything possible they can to stop and slow the spread of this disease in this community. He wants the message to be clear to the citizens that we should be wearing masks. We all should be doing everything we possibly can as citizens to make sure they keep the other citizens safe and to slow the spread and keep our economy rolling.

Vice Mayor Moss thanked Dr. Turner for making the point about the fact that if there are more Covid patients than patients with other illnesses they may not get the care that they need. She said that is important for them to keep in mind.

Dr. Turner said they are maintaining their elective schedule, however their sister hospital in Stuart is looking at decreasing their elective schedule because of their Covid increase. He said they are not at that point and they want to make sure people have the opportunity to get everything taken care of medically that they can possibly provide. However, the more Covid patients they have stricken their ability to take care of their general population.

Mr. Falls said currently they have about 1,650 cases and 1,000 of those have occurred over the past two (2) weeks. So, the more cases you have the more people that will require hospitalization. It took four (4) months to get the first 650 cases and two (2) weeks to get the next 1,000 cases.

Dr. Turner said three (3) weeks they were managing about 15 patients, two (2) weeks they were in the mid 25's and last week they were in the mid 30's. He said they could have 35 patients, discharge five (5) patients and then admit six (6) patients. That is the casual increase on how this impacts the hospital. He said hopefully it will slide back down, but they have not seen it yet.

Mr. Graves referred to the geometric increase. He said due to the Memorial Day gatherings and the protests they have seen an increase. He asked do you attribute it to those things as well.

Dr. Turner answered yes. He said when the Stay at Home Order was lifted they could see the increase.

Mr. Graves said the geometrical increase is based on what they have seen in the last few weeks. He asked is there any evidence to believe that this geometrical increase is going to continue based on the bars being closed and gatherings not occurring like they were.

Dr. Turner said that he did not know because they haven't followed the numbers. Currently they follow the numbers in house.

Dr. Callahan said the geometric progression will continue. He said on June 28th there were 171 per 100,000, on July 12th they were 223 per 100,000, which is in a two (2) week period of time. If they look at the next two (2) weeks, it will probably be around 300 to 400 per 100,000. That is what they mean by geometric progression. He reported that the incubation period is about five (5) days so if you have a sustained number of people who are infected they are not doing isolation or are asymptomatic you are going to have sustained progression. He said one (1) person can spread it to two (2) or three (3) people, the super-spreaders can spread it to multiple people, and the asymptomatic or pre-symptomatic that don't have any knowledge of being infected are the ones driving the epidemic. So the geometric progression will continue without masking.

Mr. Graves asked what behaviors are they seeing that continue to exist that are driving these numbers up.

Dr. Callahan said these are the numbers that have occurred from June 28th to July 12th so it is well past the Memorial Day surge or the removal of restrictions.

Mr. Graves asked do they have any handle on where these infections are coming from.

Dr. Callahan said they are coming from community spreads, specifically from the 32960 area, Fellsmere, and Gifford. He said originally the patients were older, they were nursing home patients, and now they are seeing more Hispanic patients and African American patients. He said this is because of community spread.

Mr. Graves asked when speaking of community spread, are you talking about large gatherings.

Dr. Callahan said one (1) infected person has the potential of spreading it to two (2) or three (3) people so the only way to prevent the transmission is to wear a mask. He felt it could be debated all day on whether a mask is completely affective, mildly affective, or moderately affective. He said they do know that an infected person wearing a mask reduces the infectivity by 40%.

Mr. Graves said this is where he gets hung up because the observation in a case study was a .6% of transmission rate with casual contacts. So 40% of .6% they are talking about a very small percentage of people. He asked are they doing contact tracing. He said if there are certain behaviors or activities that are occurring in the community where transmission is occurring, that information would be very helpful.

Dr. Callahan said the Health Department is doing contact tracing.

Mr. Graves asked is that information available.

Dr. Callahan thought that information was protected by HIPPA.

Dr. Turner said that they could reach out to the Health Department to see what they can share without violating HIPPA.

Mr. Neville gave a Power Point presentation (attached to the original minutes). He reported that the only thing the Health Department asked him when he found out that he had the Covid virus is what his symptoms were. They did not ask him where he had been. He said we need to slow the spread.

At 10:15 a.m., Council took a ten-minute break and the meeting reconvened at 10:25 a.m.

Mr. Robert Wilson read a prepared speech (attached to the original minutes). He was in favor of wearing masks.

Mr. John O'Connell was in favor of wearing masks. He gave a personal story of contacting the virus and what he went through.

Mrs. Kerri Wilson was not in favor of making masks mandatory. Her children have medical conditions and masks are unacceptable.

Miss Sydney Gomez, who was 10 years old said that she has a disability and is unable to wear the mask because of a long term effect that it could cause her.

There was someone who spoke whose name was not clear on the record. She was concerned about citizens trying to locate businesses where they can shop safely. Without a mandate they are forcing cities to go and shop at the box stores. Want people to shop in the city and succeed.

Mr. Richard Allen is not for making masks a mandate.

Ms. Gladys Matisse did not support mandatory masks.

Mrs. Lamarre Notargiacomo commented that there was not any scientific evidence showing that masks prevent the COVID disease.

Vice Mayor Moss asked if there was a reason for not enforcing the order that they have in place and that is people coming into a City building must wear a mask.

Mr. Turner stated that where social distance is not available then masks shall be worn.

Mr. Stan Gossick spoke against having to wear a mask.

A lady (name not clear on the record) said that she has a medical condition and cannot wear a mask.

A lady (name not clear on the record) was at today's meeting to see if masks were going to be mandated.

Ms. Chris Allen was against mandating masks.

Ms. Debbie Morgan asked what is the number going to be where Council is going to say that the mandate to wear masks has been lifted. She was not in favor of mandating masks.

Ms. Lindsey Lacy came to the meeting with no party affiliation. Her husband got the virus and he works in a grocery store. She encouraged people to wear masks. She was worried about the 25 people that have died in this County.

Mr. Mathew Debraal did not believe that the testing was accurate. He was not in favor of making the masks mandatory. He functions on smiles and handshakes.

Dr. Val Zudans supported the mask idea based on the idea to get 80% of the people to wear masks. The reason they are discussing this today is because there is opposition from people who don't want to see this mandated. The Council did the right thing when they passed the order that they did.

Ms. Robin Stork was not in favor of making the masks mandatory. She questioned what is the impact of wearing masks in a hot environment.

Ms. Ruth Kowalski tried to wear a mask and was was not anti-mask, but now they are four (4) months down the road and things are still not right. She was not in favor of wearing masks all the time. She was very upset with people attacking other people. She asked that they protect the vulnerable people and the disabled people.

Mr. Ken Daige stated that if you are going to do some sort of mandate how long will it take for them to get to that point and how long is it going to be. He hopes they don't give out fines and criminal charges. If they do anything at all just hand out a warning.

Vice Mayor Moss said that she thinks a lot of things that were mentioned they were not considering and by that she means that she doesn't think they were thinking about criminal charges and she is referring to previous orders that have been considered. She is in agreement if there is an order it should have a time limit. She thought they did exempt medical conditions. She said a lot of the businesses are already requiring masks so if this were to move forward then they would just be reinforcing what they are already doing and it may make it easier for them. She appreciated the point that essential workers are being exposed to Covid (referring to the woman whose husband worked at Publix). She said there was interesting testimony from the lady who worked in the doctor's office where they had swabs with nothing on them and came back positive. She doesn't consider herself or

anyone on Council to be elites. She thinks it is pretty obvious that they are struggling with this. She doesn't think anyone here sees themselves as elite and talks down to people and tells them what to do. It was a good point about legal liabilities for health problems that might be caused by wearing masks. She said that the City Attorney does not need to address that this morning, but she certainly made a note of it; that was a good point. She questioned are they really going to say that Covid is the same as the flu. She said in a sense it comes down to that and she certainly did not get that impression from Dr. Callahan. Covid is not the flu so it is a special circumstance as best she understands it from the two (2) doctors who spoke. Frankly, she thinks they are better served listening to them because they actually know what is going on here and now, as opposed to articles that might be self-contradictory. She thanked Mr. Graves for inviting the Doctors. She found that very helpful and very enlightening. Those are her thoughts at the moment.

Mr. Graves referred to the City of Punta Gorda Emergency Ordinance (on file in the City Clerk's office). It states in the order that for it to be adopted it would have to be by at least a two-thirds vote.

Mr. Turner said it would be a super majority.

Mr. Graves questioned so that would take a 4-1 vote.

Mr. Turner said that is correct.

Mr. Graves said an Ordinance or a law is not going to solve this problem. This problem is going to be solved by the citizens coming together and doing everything they possibly can as citizens to fight this disease. Mandating behavior is a last resort. He said social distancing inside is the issue and he doesn't know how they would ever enforce that. He felt the key to fighting this disease is keeping people apart, social distancing, and not gathering in groups. He said Dr. Turner stated that the science isn't clear. Mr. Graves said there is no conclusive scientific basis in his view to pass a mandate. It might work or it could work is not a sufficient basis for the City Council to legislate a mandate requiring all citizens to do something. A mandate without a penalty is not a mandate. It is nothing different than what they already have. Their last Ordinance strongly encouraged citizens to wear masks and he doesn't know if it was the Ordinance or if people just feel the same way, but the businesses in town have adopted mandates for masks. The one (1) place that he was worried about were the grocery stores and all the grocery stores are now imposing a mask mandate. He said this is the way it should work. It should work with businesses and citizens making their own decision about how they want to handle this and making the choice on if they want to expose themselves to that risk. He felt their responsibility is to isolate the vulnerable people, which they have done. He believes that this whole uptick in cases is because of the behavior that occurred over Memorial Day and the weeks after. For him to be able to vote for a mandate it has to be based on something. It can't be based on inconclusive science and Dr. Turner testified that the science isn't clear. He is wearing a mask because he believes they should do everything they can to try to stop or slow down the spread of this disease and he doesn't know if it works. It is different when coming from the government. He said imposing a mandate on citizens he feels has to be based on science

that is clear. The most dangerous contact from what he understood from Dr. Callahan is an indoor not well ventilated space where you can't social distance. He felt that in those interactions citizens can make their own choices on whether or not they want to be involved. He said there is no scientific basis to pass a mandate. He said they will run into all kinds of problems with HIPPA violations. He said their citizens and businesses are free to make these decisions and their citizens are free to make the decisions of where they go. There is no way to enforce someone violating social distancing inside a facility. He thinks the key to beating this is everyone coming together. This is a community issue and a problem is not going to be solved by the government issuing a mandate. He is opposed to a mandate.

Mr. Brackett agreed. He said it comes down to personal responsibility. He said that he wears a mask when his is out, but it does give a little bit of false security. But, to mandate something without any scientific proof he agrees with Mr. Graves. He said that he believes in wearing a mask and he and his employees wear masks. He thinks it is up to private businesses to mandate. He said they have done a good job with that with the Emergency Ordinance they currently have that strongly encourages masks. He said that he doesn't know where this came from, but in the last three (3) of four (4) days there has been a lot of reactions to private businesses taking care of their own business. The best example is Winn-Dixie in that they were not requiring masks and two (2) weeks later that changed. He said that he is downtown a lot and people are wearing masks. He said that his daughter is visiting here from Arkansas and she said that she was shocked about the number of people wearing masks because no one up there wears them. He said then there is the enforcement and question on how could they enforce it. He said they would have to have a plan to enforce it because the last thing they need is to have people calling the Police Department reporting that someone is in this store or that store. He said tensions are running tight and he agrees that mandates are not the way to deal with this. They have to educate people and hope they will come to the conclusion on their own that it is the right thing to do for their neighbor and do it.

Mr. Neville said that he heard several people this morning state that they were not going to wear masks. He said it is incorrect that there is no science on wearing the masks. He believes a doctor who said that in four (4) to six (6) weeks they can bend this curve nationally if people all wear masks. What he doesn't want to happen in their community is to go back to another shutdown. He said we don't have much time. Another thing about having a mask policy mandated is that it gives people confidence to go places where they otherwise might not go to. He said that he was very disappointed in the two (2) nay votes.

Mayor Young thanked Mr. Graves for asking Dr. Callahan to come to today's meeting. He said it was good to also hear from Dr. Turner and from the public. He said that he went into the businesses downtown yesterday and told them that the City Council was going to be discussing a face mask Ordinance and asked for their thoughts and the majority were in support of it. He said some businesses were for it and some were against it. His perspective boils down to the immediacy of Vero Beach and the immediacy is their capability to provide for care at Cleveland Clinic. Knowing that emergency and support services are fatigued, strapped, and that they will have to alter staffing capabilities to attend to the

hospitalizations, that is the driver in his thoughts. They cannot do nothing. He said that he was going to have a family gathering on July 11th that they worked on for a year and on July 3rd he had to make a decision. What came to his mind was if they proceed and through coming together he unknowingly infected a family member or someone in his family infected another person as a result, it would haunt him so they cancelled it. He said that he does not want to mandate something needlessly, but feels that the five (5) of them could draft an Emergency Ordinance that could be constrained to a period of time and exempt those with medical issues. He said it is correct that the science is not factual clear cut. You have to make an educated choice and what is apparent to him from what Dr. Callahan has said is they can anticipate a title wave. He said masks do not work to the extent they would like, but they do slow down potentially the number cases that could impact our community. Due to the fact of increased testing being the underlined basis for the number of positive cases, the Doctors at the Cleveland Clinic said it is not simply a matter of additional testing. The increase positive rate is now 17%. He said this is over three (3) times from where they began. If we could do this voluntarily and people washed their hands, social distanced, and stayed home they would not be in this predicament. He said that he was at Conn Beach yesterday and up and down the boardwalk were unmasked people having conversations back and forth. He said that he would be in favor of having the City Attorney bring something back before them at a Special Call meeting next week and they can look at this again. He said doing nothing is negligence.

Mr. Brackett said they are not doing nothing. He said that he doesn't understand the science behind it, but if they did this in this 12-mile area and no one else is doing it, it would be like them saying they are going to clean up the river in the City of Vero Beach, but Sebastian, Melbourne, etc., doesn't. He said it is a function of education and getting people to be responsible about it.

Mayor Young said in looking at the joining communities, the point there is the County looked at this and did not act and the Hospital District is asking them to relook at it. He said by virtue of not having additional safeguards people are coming into Indian River County from down south.

Mr. Graves questioned where that information came from. He said the problem with this whole argument is that things are tossed around and the fact is that there is no study and there is no science. In the Punta Gorda Emergency Ordinance, it states masks reasonably necessary to protect public health. He asked how can they vote on an Ordinance that is supposed to be reasonably necessary to protect public health. How do you have a reasonably necessary basis when there is no scientific basis to justify it. There is no scientific basis to justify the mandatory wearing of masks. They heard Dr. Callahan, and from information that he (Mr. Graves) just read, that they believe the influx of Covid cases are coming from family gatherings and younger people coming into the families and infecting them. He asked how do you control that. He asked how do you control family gatherings. He said it might seem like they are not doing anything, but they passed an Ordinance asking people and businesses to comply and they are. He said every grocery store now has a mask policy and most businesses have a mask policy. That is exactly what they wanted to have happen. He said when you see the government telling someone to do

something and in public health it might be justified, they are justified if there is a reasonable basis to believe that it would have an impact on public health. He said there is no reasonable basis here. It is all conjecture. He said that he tried to approach this with an open mind because he wants to do the right thing. He said that he does not know how you impose and create a law that is not based on Scientifics with some degree of certainty.

Mayor Young said so your assertion is that there is not science substantiating implementation of a mandate. He said that his assertion is that when you look to the leadership of the scientific community, the CDC, you see in the articles as they are coming out that there is ample evidence that if you combining social distancing, handwashing, and wearing face coverings, it has an impact.

Mr. Graves questioned based on what.

Mayor Young said the scientific information they have to date.

Mr. Graves said there isn't any. He said that Dr. Turner stated that the science isn't clear and Dr. Callahan said there are plenty of beds at the hospital.

Mayor Young said clinical staff is smoked.

Mr. Graves asked where did that evidence come from. He said Dr. Callahan testified that there were plenty of beds.

Vice Mayor Moss said there are three (3) things that all of them saw here today and that was that their local medical doctors strongly urge them to take action. Dr. Callahan said numerous times that it was urgent. He used the term urgent and they recommended that Council take action. The second thing they saw, and maybe the community didn't see it, was that there wasn't any social distancing because people were going back and forth and they were squeezing past each other in line. So, their asking people to social distance is not happening. The third thing they saw was that even though what they had already passed, she believes it said strongly encourage masks, that is not working either because people came here today without masks so obviously it is not working. She thinks each one is important individually and taken together she thinks is very important. She thinks they should reconsider this whole matter.

Mrs. Tammy Bursick, City Clerk, reported that the City Council received about 400 emails that are of public record and the public comment system is working well. She has tried to make sure the City Council received copies. She reported that a lot of emails were received today that the City Council has not seen because they have been in the meeting and she is making them copies. She cannot read every public comment, but wanted to let the public to know that the City Council is aware of all these emails.

Vice Mayor Moss thanked everyone who did send them public comments. It is always welcome and appreciated.

Mayor Young felt they have sufficiently discussed this. He thinks an Emergency Ordinance is something they should address. He believes at this point they do not have the necessary way forward to implement such a thing.

At 11:57 a.m., the City Council took a lunch break and the meeting reconvened at 1:15 p.m.

3. **CONSENT AGENDA** (include amount of expense)
 1. **Riverside Tennis Center COVID-19 Closure/Membership “Suspensions”**
 2. **Revised Renewal of Agreement for Exchange of Use of Facilities and Equipment between the City of Vero Beach Recreation Department and the Indian River County School Board**
 3. **Work Order #17 between the City of Vero Beach and Hanson Professional Services for Design Services for Project Known as Construct Ramp Phase II (FM: 442101-1-04-01) – (\$685,987.00)**

Pulled off of the consent agenda.

Mr. Falls just wanted to inform the Council that the RFP process for this project does not have to be used.

4. **Amherst Consulting Change Order 1 to Work Order 3 for Construction Phase Services – Reconstruct Center Apron – (\$367,310.00)**
5. **Award of Contract to DP Development for Rehabilitate North Apron and Construct Ramp aka Construct Ramp Phase 1 (FDOT #437981-1-94-01) – (\$1,449,093.25)**
6. **Award of Bid for Center Apron Reconstruction Project (FDOT #430143-2 – Summit Construction) – (\$2,103,458.97)**
7. **Quit Claim Deeds to Adjacent Property Owners – Abandoned portions of Atlantic Boulevard**
8. **Voluntary Cooperation Agreement between the City of Vero Beach, Florida and the Sheriff of St. Lucie County, Florida**
9. **Edward Byrne JACG Grant for Radar Speed Trailer**
10. **2020-2021 School Resource Officer Contracts**
11. **Recommendation of Award – Spent Lime Removal and Disposal Annual Service Contract – Bid No. 200-20/CSS - \$96,500.00 Annually**
12. **Award of Contract for Public Works Facility Roof Replacements – (\$227,000)**
13. **Street Light and Maintenance Contract 44-2-2020 – Change Order #1 to Work Order #1 – (\$30,000)**

Mr. Brackett made a motion to adopt all items on the consent agenda. Mr. Graves 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, Establishing a Special Assessment Lien in the amount of \$5,205.00, for a Septic Tank Effluent Pump (STEP) System to serve the real property located at 1835 38th Avenue, Vero Beach, Indian River County, Florida; Providing for an Effective Date. – Requested by the Water and Sewer Department**

The City Clerk read the Resolution by title only.

Mayor Young opened and closed the public hearing at 1:21 p.m., with no one wishing to be heard.

Mr. Brackett made a motion to approve the Resolution. Vice Mayor Moss 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 Vero Beach, Florida, Adopting the “Three Corners, Vero Beach Report” and Directing the City Staff to Prepare a Charter Amendment Ordinance and take steps to implement the Plan; and Providing for an Effective Date. – Requested by the Planning and Development Director**

The City Clerk read the Resolution by title only.

Mr. Andres Duany, Principal Consultant from DPZ CoDesign, gave a Power Point presentation (attached to the original minutes). He went through each of the scenarios in the plan. He said that there needs to be someone hired to carry this plan forward. He said they should not vote on this today and let him come up with a Plan 5, which will be the Post Pandemic (Coronavirus) Plan and see what he comes up with.

Mayor Young commented that there were implications in coming back with another plan that he had some concerns with timing, meeting with the Steering Committee, etc.

Mr. Brackett brought up that the design is not self-sufficient.

Vice Mayor Moss thanked Mr. Duany for the observations in relation to the 1920’s and that it took a decade to get past that virus. She said what they have before them today does not line up with his suggestions and maybe they should put this on hold.

Mayor Young wondered if the referendum was broad enough to implement what is feasible from an operational point of view.

Mr. Duany commented that the Post Pandemic Plan has to be popular and this chosen plan was not very popular.

Mr. Falls said that the Post Pandemic Plan would need to be a cost feasible plan. Mr. Duany was surprised that Mr. Falls cared.

Mayor Young commented that some of the other things that they need to take into consideration is that construction of this plan will probably not start for another five (5) to 10 years. He asked if they could move forward today, but still review the Post Pandemic Plan and what implications will need to be done.

Mr. Duany said he would like to give this a try. His concern is with the proposed hotel and that there was the principal of finding someone to fund the hotel. The world changed under their feet with the Coronavirus. The structure he is thinking about is very similar to what they have now.

Mr. Falls said that he always likes to entertain new ideas. But, he asked if they wait to get another plan will they need to modify the schedule that they are under.

Mr. Graves commented that they have a competent consultant and they should hear him out. He agreed that things have changed drastically overnight.

Mr. Brackett expressed if this item does not get on the November ballot then it probably will not pass. He said people will start forgetting about the project.

Mr. Graves asked Mr. Turner about the wording for the referendum, but not the plan.

Mr. Turner explained that if they want the plan then the voters need to know what is being asked of them in amending the Charter. Meaning they need to know what the proposed plan will look like. The referendum question references the master concept plan.

Mr. Falls asked Mr. Duany what would the time frame be for the City Council to receive the Post COVID plan. Mr. Duany said that he would start working on it tomorrow and have some initial ideas by the end of the week and renderings done by next week. Mr. Falls asked about the cost of doing this extra work. Mr. Duany said that he is doing it out of the love that he has for Vero Beach.

Mr. Brackett did not have any problem with reviewing the plan as long as they get it within a timely manner.

Mr. Falls commented that the language drafted for the referendum references the master plan.

Mr. Graves agreed that building a hotel now is not something anyone would want to do.

Mayor Young commented that if the Post Pandemic Plan is a welcome addition to the City then it is something that he would like to see. The other constraint he sees is having it reviewed by the Steering Committee and then bringing it back to City Council.

Mr. Duany explained because of the virus, now they would be looking at local developers instead of national developers. He has been meeting with his clients and discussing the differences that this pandemic has made.

Mayor Young thought that what he was hearing from a planning point of view is that until such time that they have a post pandemic proposal then they should hold fast with the development.

Mr. Duany said that he would be happy to do a generic proposal. He can write something that will allow the post pandemic plan to exist.

Mr. Jason Jeffries, Planning and Development Director, explained that the Ordinance calling for a referendum is just based on the general development of the site. He said even if they go with the Post Pandemic plan they can still have commercial development and would still need a referendum.

Vice Mayor Moss said if they go with a different plan they may not need a referendum.

Mayor Young commented that they have some work to do before they can move forward. This would require having the Steering Committee review it.

Mr. Falls said that they could have Mr. Duany's plan worked out and still have the Ordinance heard at a public hearing on August 18th.

Mr. Jeffries briefly went over the timetable. He said that the Resolution develops the plan so they are delaying that now. He said they could have the additional scenario set up and reviewed by the Steering Committee, then he would need to take it to the Planning and Zoning Board for their review and then it would come back to the City Council for final adoption. The Ordinance could still be heard as a public hearing on August 18th.

Vice Mayor Moss commented that since the City has an election every year they are not in a crisis mode in getting this on the ballot. She said if it makes it on the ballot that is fine and if it doesn't make it on the ballot that is fine also.

Mayor Young reviewed what the goal was and that was to have it on the November ballot.

Mr. Brackett reiterated that if they miss the November ballot that they have a 50% chance of losing the whole project. He and Mr. Falls have been talking to the hotels on the beach who have indicated that they have been full for the last few months. He said that he has heard that people would like to see a hotel built on this piece of property. It won't be built for at least three (3) to five (5) years from now and this is just a conceptual plan. He said going from a hotel to cabins is a drastic change.

Mayor Young told Mr. Duany he had an enormous challenge ahead of him.

Mr. Duany commented that it is the consultant's plan, but they don't have to do it. It is what he is recommending. Council has the final choice of which plan to go with.

Mr. Falls reiterated that they would still have the first reading of the Ordinance for the Charter Amendment today and the second public hearing at their August 18th City Council meeting. The Resolution will also be brought back for approval.

Council took a ten-minute break at 2:37 p.m.

It was the consensus that the direction that Council wanted to move in was to review the Post Pandemic Plan at the Steering Committee meeting, have it go to the Planning and Zoning Board and then bring the Resolution and the referendum Ordinance back at their August 18th City Council meeting.

Mayor Young thanked Mr. Duany for being so confident.

5. PUBLIC COMMENT (3-minute time limit)

Mrs. Bursick read the comments made by Mr. Brian Heady into the record (attached to the original minutes).

Mr. Ken Daige wanted to make it clear that they were only referring to the Power Plant site in the proposed referendum. He said in the backup material it only refers to the Power Plant site. He said the other concern that he has is when the consultant was speaking he talked about some of the conditions downtown. At the last Council meeting, he told Council that eight (8) businesses have shut down in the downtown area because of the pandemic. They have worked very hard to bring downtown back and he hoped by having the Three Corners site it doesn't have a detriment effect in the downtown area. He said it was confusing as to where Council was going with this. It seems like they are in hurry to get it on the ballot. If they push too hard they may get the voters to reject it. He then read a prepared speech into the record (please see attached).

6. CITY COUNCIL MATTERS

A) NEW BUSINESS

1) Council to consider implementing random voluntary substance abuse tests for City Council – Requested by Mayor Tony Young

Mayor Young commented that having voluntary substance abuse testing for City Council is something that he has thought about since he got on Council. He asked the City Attorney to look at what other communities in Florida have and what were the caveats of doing it. He realized that it would have to be purely volunteer.

2) Discuss Time Constraints and Police Removing Citizens from the City Council Meetings – Requested by Councilmember Joe Graves

Mr. Graves commented that the last time Mr. Brian Heady spoke in front of the Council he was escorted from the Council Chambers and this is something that they really don't have a policy on. He said they have a three (3) minute rule, but sometimes it is extended and sometimes it is not. He would like to see them have a policy and then stick with it. He said they need to give everyone the same amount of time to speak. He would like to see them adopt a policy. He questioned should it be three (3) minutes or something else.

Mayor Young explained the guidelines in place are under Public Comment and someone is given three (3) minutes and if they need additional time then they ask a Councilmember to sponsor them to be on the agenda and they are given up to 10 minutes. If additional time is needed then the Council is allowed to grant that. He said that time limits are necessary in order to move their business forward.

Mr. Graves did not think that they adhere to that policy. He said that sometimes they do and sometimes they don't. He doesn't like to see someone escorted out of the Council Chambers.

Mr. Turner reported that under the Code there are rules concerning decorum set forth in Section 2, which he read.

Mayor Young commented that his thoughts have always been to support public comment. He said in the meeting where it is not detracted from business at hand he tries to allow public comment. He has a problem with individuals who come to the dais and don't follow the rules. Individuals coming to the dais and are not interested in hearing what the Council wants to accomplish in their business meeting it is a necessity for him to have the latitude when there is an individual who is not in concert with that to have a seat. He feels strongly that is the last resort, but in the instance where there is no cooperation then there needs to be that latitude for the principle and there have been instances where that is appropriate.

Mr. Graves felt it was important to make sure that someone making comments has adequate time to express themselves. Also, when you don't enforce the time period then a person coming up doesn't know how long they are allowed to speak. They need to have a rule and stick to it. He said maybe sometimes allowing someone to speak for three (3) minutes is sufficient and maybe sometimes it is not. He would like to see a process where they are insuring that the public has plenty of time to express themselves, make their viewpoints known and then they stick with the rule. So when people come to speak they know exactly how much time they have and at the conclusion of the time period they will be asked to sit down.

Mayor Young said what he is hearing is that they have a policy and his preference is that it be strictly abided by. He understands that and can adhere to the three (3) minutes.

Mr. Brackett agreed with needing to be consistent with timing. Some people up at the podium won't leave. He suggested giving a 30 second warning before or after when their time is up.

Mr. Graves commented that there should be some mechanism to petition for more time if it is requested. This way there is structure and a rule that is being adhered by and people will know that there is a rule in place when they come to speak.

Mayor Young explained that there is a policy in place outlining a three (3) minute time limit and if someone goes beyond that then a majority of the Council can grant that person an extension of time.

Mr. Graves was fine with that. It is the group making that decision.

Vice Mayor Moss commented that the only person that ever gets removed from the Council Chambers by a Police Officer is Mr. Heady. This is not a crisis that involves a large number of people.

Mr. Neville agreed with adhering to the three (3) minute rule and if someone asks for more time then a majority vote would be fair.

3) Update on Corporate Air – Requested by Councilmember Robbie Brackett

Mr. Roger Pridgeon, CEO of Corporate Air, briefed Council on what he would like to do with the next taxiway at the Airport. He said that he put in a request to lease the property and his goal is to lease the property and develop it with the intention of making an MRO facility for jet aircraft maintenance and jet charter. He said that all of the present work at the Airport for jet aircraft maintenance and jet charter are presently going through the fence. In other words they are making very little money and maybe just some commission on fuel. He said they could improve that, which would benefit the tenant, himself and the development of the City by building the hangars. It is a \$7 million project and his concern is that some of the funding be used for infrastructure and then the rest for the pavement. He thinks they are all in agreement with that.

Mr. Falls added that this is the project being discussed that was pulled off of the consent agenda. The project that they are talking about will include infrastructure (water, sewer and drainage) that would be available to the leasable properties.

Mr. Phil Vitello, General Council for Corporate Air, announced that on June 20, 2020, the Customs Office Chief Council approved the City of Vero Beach's application for a Customs facility. He said it has been a long road and he appreciates what all of them have done to make this possible. What occurs now is it moves to the design and construction Office of Customs and they will give them the parameters to follow. Once they have those parameters they will put the construction project out to bid and it is a little more complicated than usual. First is the normal planning and second is the Customs

requirements for the City, which contains some confidential and classified information so the two (2) paths proceed in parallel. They are hoping to complete the facility by November of next year, but because of the Coronavirus it has slowed them and Customs down so it may be the beginning of the year of 2022. They will continue on their rapid pace by continuing to use only architects and contractors that have experience building Custom facilities because it is much different than building the normal operation. Tomorrow they are meeting with the Transportation Security Agency, which is the parent agency of Customs and are speaking to them about providing service directly from Vero Beach to Ronald Regan Airport in downtown Washington. It has been prohibited to private aircraft, but under the gateway program they may be able to provide that service. He said that TSA will provide an agent right on the premises for a charter flight and an Air Marshal will be provided, as well as a local Police Officer and this will be a great benefit to the City of Vero Beach. He said if Council wants more information to please let him know.

4) Discussion of Face Masks – Requested by Councilmember Rey Neville

This item was heard earlier in the meeting.

B) OLD BUSINESS

1) 2020 US Census

Please see the City website (covb.org) or 2020 census.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 date safe? (30 seconds)**
- d) PSA video (2020 census.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 commented that the latest results for the census are up to 65% responding and 53.3% of the people in Vero Beach have completed their census. In a recent memo sent out by the Census Committee they thanked that NAACP for helping with the census. They have been helping to get people to respond in the more challenging communities. She reminded the public to return their census form if they have not already and that the deadline is October 31, 2020. Three short PSA videos were shown at today's meeting.

7. PUBLIC NOTICE ITEMS FOR FUTURE PUBLIC HEARING

Public Hearing on this Ordinance to be held on August 18, 2020 at 8:30 a.m.

- A) An Ordinance of the City of Vero Beach, Florida, Amending Chapter 73, Tobacco Products, of the Code of the City of Vero Beach, related to the Use of Electronic Cigarettes; to Prohibit the Sale and Distribution of Tobacco Products to Persons Under 21 Years of Age; Prohibiting for Penalties;**

Providing for Conflict and Severability; Providing for Codification; and Providing for an Effective Date. – Requested by City Council

The City Clerk read the Ordinance by title only and stated that the public hearing would be held on August 18, 2020 at 8:30 a.m.

Public Hearing on this Ordinance to be held on August 18, 2020 at 8:30 a.m.

- B) An Ordinance Calling and Providing for the holding of a Referendum in the City of Vero Beach, Florida, on November 3, 2020 at the General Election to submit to the Electors a Proposed Amendment to the Charter of the City of Vero Beach (Former Power Plant Site).**

The City Clerk read the Ordinance by title only and stated that the public hearing would be held on August 18, 2020 at 8:30 a.m.

Mr. Jeffries explained that this is all based on the plan as it was recommended by the Steering Committee. He wanted to answer some of the questions that he heard earlier. He said the plan as recommended by the Steering Committee had commercial development on the Power Plant site. The plan itself consists of three (3) publically owned properties, which are the Power Plant site, the Waste Water Treatment Plant site and the former Post Office annex site. The former Post Office annex site is not in the Charter so that piece of property will be sold off separately. In terms of the activities that are not consistent with the Charter it is only the development on the Power Plant site, which necessitates the change to the Charter. What is recommended in this Ordinance is to develop language to provide for certain limited development consistent with the plan recommended by the Steering Committee.

Vice Mayor Moss asked the City Attorney if they were to change the language in the referendum such as if a hotel was included, will today still count as the first reading of the Ordinance.

Mr. Turner explained that today would be the first reading and as long as there were not any substantial changes then they can proceed with this Ordinance.

Mr. Jeffries explained if Council was going to implement the Steering Committee plan it takes this Charter change for the Power Plant site. He said because the Waste Water Treatment Plant site would change to Park it would remain consistent with the Charter as it is today. They are only changing the site where the Power Plant sits to mixed use and everything has to be consistent with the plan that is adopted. He said the language in this Charter amendment is to lease the land and not to sell it.

Mayor Young explained that this referendum does not remove the Electric Power Plant from the Charter, but delineates the way that it can be developed.

Mr. Jeffries said that is correct. They want to make sure that the public access is retained.

Vice Mayor asked with the 26 pieces of property that are in the Charter according to Section 5.05, are they just talking about property #12.

Mr. Jeffries said that is correct and they could make the language tighter by saying that this is only pertaining to property #12. He briefly went over the language.

Vice Mayor Moss said that might be helpful in case any wants to check. She said Mr. Daige brought it up earlier as to what are they referring to in Section 5.05.

Mayor Young was concerned with whatever their final recommendation is that they go with for the concept plan, does that constrain the City to implement that specific concept.

Mr. Jeffries explained that they have to develop the site consistent with the plan. He said what they are talking about is the Power Plant site and the plan talks about keeping the building, however in the executive summary it talks about what is feasible. He expressed it is just a conceptual plan.

Mr. Falls thanked Mr. Jeffries for all of his hard work and for keeping them on track.

8. CITY CLERK MATTERS

Mrs. Bursick mentioned that the Special Call meetings for the budget Ordinances would be heard on September 9th and September 22nd at 5:10 p.m. in the City Hall, Council Chambers.

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

Mr. Falls reported that he received a letter from Mr. Jason Brown, County Administrator, asking the City about what their request would be for the spending plan for the CARES Act money. The plan must meet particular guidelines, which are included in his letter. He said that the proposed spending plan needs to be sent back to him no later than July 28, 2020. He asked Council to authorize him to get staff to put together a plan and Council could execute the plan at their August 18th meeting. If Council is not comfortable with that then it could be brought up when they have their Steering Committee meeting.

City Council was fine with Mr. Falls proceeding with this as long as it met all of the guidelines.

Ms. Cindy Lawson, Finance Director, added that the County will be allocating some of their spending money to non-profit organizations, which is something that they will be looking at. They don't want any of the money to go back to the State. The City will find a good use for it, which may also include allocating some money to non-profit organizations.

10. CITY ATTORNEY MATTERS

A) Request for a Lien Reduction – Mrs. Tatiane Klein

Mr. Turner explained that in October 1991, Resolution No 91-43 imposed a special assessment for the grading, drainage, paving and hard surfacing on properties located within portions of 17th Street from 24th Avenue to 20th Avenue. The principal amount of the assessment imposed on the property at 2047 17th Street was \$1,483.54. The assessment Resolution provided the option to either pay the assessment in full within 90 days or, if not paid in full in that time frame, to pay it over three (3) equal yearly installments. The Resolution further provides for interest and penalties. The original owner made one (1) payment towards the assessment principal in March 1994. In June 2020, in response to a request from One-Site Lien Search, the City's Finance Department provided a lien payoff amount of \$6,039.08 (broken out as \$860.26 principal, \$2,133.15 interest and \$3,045.67 penalties) for the property. He requested that Council provide direction to this request to reduce the amount of the lien owed.

Mr. Eric Betler (son) would be translating for Ms. Tatiane Klein, who is the owner of the property and has someone that is interested in purchasing the property. She explained that she was not aware that this lien was on the property. She inherited the property from her parents in 2015, when they were murdered in another State. This lien goes back to 1991. She asked Council for a reduction of the fine owed.

Mr. Falls explained that this property had the lien on it when Ms. Klein's parents purchased the property in 2003. They bought the property not knowing that there was a lien on it then when Ms. Klein tried to sell the property is when it was discovered.

Ms. Lawson commented that there are a number of old liens that still remain in affect like this one. She said back in 1991 when this lien was put in place it was done by Resolution and the entire Resolution was recorded instead of the property itself. She said unless the title company doing the search would reach out to the City there would be no way of knowing about this lien. She said there have been other situations like this one (1) occur in the past and eventually she would like to bring the other old liens that are still on the books to Council to get them cleared up.

Mr. Graves was in favor of waiving the whole amount. He said that Ms. Klein was not aware of the lien and she is a victim with this being out of her control.

Mr. Graves made a motion to waive the lien the entire lien. Vice Mayor Moss seconded the motion and it passed unanimously.

Ms. Lawson said that she would work with the City Attorney in coming up with a list of these old liens still in affect and bringing them to Council to clear up.

11. COUNCILMEMBER MATTERS

A. Mayor Young's Matters

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

1) Sgt. Curtis Paulisin to discuss the Veterans of Indian River County, annual Golf Tournament

Mayor Young reported that on August 1st at the Sandridge Golf Course the annual Veterans Golf Tournament will take place. They are still looking for sponsors. The proceeds made from the tournament goes towards addressing the needs of veterans in Indian River County.

2) Mr. Dylan Reingold, County Attorney, to discuss City-County Water, Wastewater and Reclaimed Water Franchise Agreement

Mr. Dylan Reingold, County Attorney, thanked the Council for letting him speak today. He stated that the City of Vero Beach provides water and wastewater services to various parts of the unincorporated areas in Indian River County. The service has been served under the agreements from the late 1980's that expired in 2017. He said County and City staff have had on again and off again negotiations over a new franchise agreement. He said those conversations have stalled, which has been shared by both parties. He would now like to bring this back forward again and said that they would simply like to enter into a long term agreement that memorializes the current situation. He said in the unincorporated areas the City has been great and charging the County rates and there has been no surcharge. It has the 6% fee franchise concept and the County would like to understand where the City Council was in regards to the opportunity to do a long term contract that memorializes that position.

Mr. Falls stated that we are in the process of working on the franchise agreement and have retained outside counsel to help them with that. The City is serious about getting the franchise agreement redrafted so that the Council can review it. There are some things that they took issue with in the former draft, but he does not think that there is anything that they can't move to pass on and have a great relationship moving forward.

B. Vice Mayor Moss's Matters

Vice Mayor Moss thanked Mr. Graves for inviting Dr. Callahan to come and speak at their meeting today.

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

1) Free Live Oak Trees Available at Audubon House! Press Release with details attached.

Vice Mayor Moss reminded the public that there are still free Live Oak Trees available at the Audubon House.

Vice Mayor Moss showed some art work that is being sold on-line. She said the picture stands for not losing heart in this Covid time. She asked the community to support local businesses if they could.

C. Councilmember Brackett's Matters

Mr. Brackett thanked staff for all of their hard work. He said that today has been a long day with some very interesting discussion. He asked the community to be kind moving forward. He knows that everyone has something different going on in their lives, but they must all try to be kind as they move through all of these things.

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

D. Councilmember Joe Graves's Matters

Mr. Graves commented on how impressed he is with the Department Heads who presented their budgets last week at the budget hearings. He said their Finance Director is just a "rock star." He said that is a reflection on what they have discussed today. There is no magic pill that will get them out of this pandemic. It is going to take every citizen coming and working together. The citizens will have to make sacrifices like what the Mayor did when he cancelled his family gathering. He said social distancing should be done. The mask is not going to save them from the problem. All should be practicing social distancing and wear masks. He said lets not let our community become what they have all seen on television. He said lets not get divided over things like this. He encouraged everyone to do what they can individually to put this whole COVID crises behind them.

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

E. Councilmember Rey Neville's Matters

Mr. Neville commented that he has had two (2) Covid tests done and this was over 9 days ago and he still has not received his tests back. He said this is a real problem, but something that can be solved. He hopes their community realizes what an incredible staff that they have. Hopefully, he will see everyone soon.

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

14. ADJOURNMENT

Today's meeting adjourned at 4:00 p.m.

/tb