

CITY OF VERO BEACH, FLORIDA
JULY 31, 2020 9:00 A.M.
SPECIAL CALL CITY COUNCIL MINUTES
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA

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

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

The City Clerk performed the roll call.

Mayor Young explained that the topic for discussion today has a lot of passion on both sides. He noted that Vero Beach was rated one (1) of the best beach towns for retirement according to Southern Living. He knows that whether you are for or against masks that your hearts are supportive of the community. There are a lot of matters that they are contending with at this time like where this storm is going to go. He said they are not only looking at COVID, but other matters relating to their beautiful town. He said all five (5) Councilmembers are doing their best to address what they see as essential to the public. There will be opening comments from the dais, then City staff and then they will have the opportunity for special guests to make comments and then public comments will be heard. He noted they have addressed this topic on both June 30, 2020 and July 21, 2020. He said there would be some time constraints made for today's meeting as they will need to adjourn the meeting to enter into a Steering Committee meeting that is scheduled for 10:30 a.m. They will reconvene this meeting after the Steering Committee adjourns if necessary.

Mr. Brackett expressed that this is not about having a mask mandate, but about businesses rights and control in their own establishments.

Mr. Graves had a presentation to make after everyone's comments.

Vice Mayor Moss commented that they (City Council) received a lot of emails concerning the masks and Council has received copies of the emails. She said that this is the first time that because they received so many emails that she was unable to respond to all of them like she normally does. After speaking to some of the people who are attending today's meeting they indicated that they were not sure if Council received their emails. She reassured them that Council did receive them and the City Clerk did an excellent job in getting the emails out. She said that the Council is listening to them and it has been quite overwhelming. She said this is about businesses and masks being worn in a business or not in a business. She said they did not receive many emails from businesses. She recalled that this is the third time that they have discussed this. They have taken votes and no action has been taken regarding the masks. They were not hear today to revisit whether or not it should be mandatory for people to wear masks. This has

to do with businesses requiring face coverings. She reiterated that the number of emails from businesses was minuscule. She doesn't see this as something that businesses are requesting. She thanked everyone for participating in this matter. She said it doesn't matter what side they are on. She again thanked them.

Mayor Young reported that they received over 560 emails as of yesterday and over 150 emails were sent last night.

Mr. Neville commented that his position on this matter was different than what is being presented and he would like to make his comments after Mr. Graves has made his presentation.

Mr. John Turner, City Attorney, gave a Power Point presentation (attached to the original minutes). He went through why they were here and what the Emergency Ordinance provides.

Dr. Charles Callahan, Internal Medicine Infectious Disease Specialist of Cleveland Hospital, reported that there are now over 2,021 cases in Indian River County. There has been a substantial increase, which is what he said when he spoke at their last meeting would happen. There are 31 COVID-19 cases/patients at the hospital. He said if there is any way they can help in flattening the curve he hopes it will be done. They are still in the middle of the first wave and have not been able to maintain adequate control in the spread. He said in revisiting the policy the only thing short on what they are doing (wearing masks, washing their hands and social distancing) would be getting a vaccine. He said there is one (1) bed left in the COVID unit, but they still have plenty of ICU beds left and could move patients around if they need to.

At this time Mr. Graves asked Dr. Callahan some questions, which he answered.

Dr. Callahan said that that cases have not been as severe as the ones they were having a week or so ago.

Mr. Graves showed a graph for the percent positive COVID-19 test results versus each day from July 16, 2020 through July 29, 2020 in Indian River County (attached to the original minutes).

Dr. Callahan explained that graph represents the percentage of positive COVID-19 testing, but does not represent the cases where people end up in the hospital.

Mr. Graves asked about the data for the number of hospitalizations during this period of time.

Dr. Callahan said that it was 148 patients, but that is not a daily break down. There are 37 COVID patients in the hospital right now. On July 21st when he was here before it was probably in the 20 patient mark.

Mr. Graves thanked Dr. Callahan for being at their meeting today.

Vice Mayor Moss asked when they are saying percent positive does that mean the person who is ill at the point in time and persons having COVID.

Dr. Callahan explained that all positive means tested positive and they have the virus. They are not using antibody testing right now and if they do it is only for research purposes. The median age of people getting infected now is 41. It is now hitting people of younger age, people with diabetes, and people who are obese. He said these are the people whose cases are driving up the numbers tremendously. However,

they are still seeing older people and nursing home people, but they are not the people who are driving up the numbers.

Mr. Graves asked realistically what numbers they should be looking at in order to drive the policy.

Dr. Callahan said that they want to see the curve flattening. He said overall the average rate since March is higher.

Mr. Graves then showed a graph of the daily new positive tests and the graph by Indian River County of 19 hospitalizations.

Dr. Callahan briefly explained the graph. He said the numbers will fluxuate up and down as people pass it on to other people. He said people that are infected and are wearing a mask have less of a chance of infecting someone. The other thing is social dissenting and that is not always possible in someone's house or a small building.

Mayor Young thanked Dr. Callahan for the periodicals that he sent relating to COVID. In one of the articles it states as this junction having masks on will help turn the tide against COVID-19. Then today there is a physician on Capitol Hill who was making assertions concerning wearing face masks.

Mr. Brackett appreciated the discussion that was taking place, but said that was not why they called this meeting today. It was called to talk about business establishments requiring customers to wear face coverings and social distancing for gatherings of 50 or fewer persons.

Mayor Young questioned what urgency was there to address this for businesses.

Mr. Graves said that he was looking at ways to try to get a handle on the infection rate in their City. It is the driving course on the action that this Council takes.

Dr. Ralph Turner stated that this week they have been in the mid 20's for their patients, but today they are back up to 37 patients. They were seeing the trending going down slightly and now it has gone back up.

Mr. Graves asked what number they would like to see in flattening this.

Mr. Turner said below 10. He said if it would go back down to that number they would be in good shape. He said that when the ICU count goes up it stresses the in house staff because patients in the COVID unit have to be taken care of by a nurse on a one on one basis.

Mr. Neville asked how many nurses are out sick from COVID.

Dr. Callahan said they have furloughed between 20 to 25 people. He said that Cleveland Hospital has a strict furlough policy.

Mr. Graves asked how they are handling it in a big city like Orlando.

Dr. Callahan said that all the major cities are much worse off than they are here in Indian River County.

Mr. Graves heard that Orlando has a mask mandate policy with no penalty.

Dr. Callahan commented that Tampa General and the hospitals in Miami have very high numbers.

Mr. Graves pointed out that they do have a mask mandate in Miami and in Martin County the mask mandate will be expiring.

Mr. Neville asked if there has been any records of patients getting reinfected after already having the COVID virus.

Dr. Callahan commented that the literature that he has seen is very gray on that. He said that someone would probably not get reinfected, but these viruses take years to study; as well as understanding antibodies.

Mr. Neville said that he read that with people who have a low immune system it puts them in a category for persistent carriers. Mr. Callahan said in theory that is possible.

Mr. Graves commented that at the last meeting when they were talking about outdoor gathering, you asked that the number stay between 15 to 20 people. He asked if that number is still a good number.

Dr. Callahan said having 15 people spread out six (6) feet apart would permit a large footage. He said that a general setting of 15 to 20 people would be reasonable. He said that they want to keep the local businesses open and the only way to achieve that is to have some sort of mask enforcement.

Mr. Graves stated that when he proposed this Ordinance it was for social distancing by at least six (6) feet and the wearing of face coverings or face shields would significantly help reduce the spread of COVID-19 and lessen the positive cases in Vero Beach. He wanted to express that he wanted to make sure that religious organizations were exempt from this. He has been receiving some reports that on some of the athletic fields there have been tournaments taking place where they have a mass of people. The other thing is events held indoors with close contact. They can only express if there are going to be large gatherings that face coverings be worn. He was looking at places where they have mandated face masks and it has not worked, such as Martin County. He just thought by passing this Ordinance it would be a place for them to start. He brought up what Vice Mayor Moss said earlier that there was not an overwhelming number of responses from businesses. He doesn't think that they have compliance on doing this by the businesses across the board. They all need to work together. He said that Orlando has an Ordinance, but there is no way to enforce it. People are saying this is a constitutional argument, but they are in a health crises so they need to allow local governments to act to enforce penalties. He would like to see something proposed that all five (5) Councilmembers could get behind. He questioned if there was something else that they could be doing. He said the only way to get anywhere in the community is by having a voluntary buy-in. He spoke to his doctor in New York who told him that they have not had any new infections in New York because of the voluntary buy-in that they did. It took the people in New York to start wearing masks. He said when you wear a mask in public it says that you care about the person in front of you.

Vice Mayor Moss appreciated Mr. Graves's intent in bringing this Ordinance forward. But what was expressed to her by the business owners were that some want to do this and some don't. She said having

to have a sticker put in a business window if they are requiring that a mask be worn before someone enters is not about the general public being required or not required to wear a mask. This is just having to do with businesses. What she heard from some of the businesses was that this was not a good thing and beyond that it was not necessary. They don't need permission from the City to do this. They can do it on their own. She said everything outlined in the Ordinance the businesses are allowed to do now.

Mr. Brackett felt that it might be restricting the businesses even worse by passing this Ordinance. He said that right now they are setting their own rules and people who do not comply they are able to call the Police Department. He said if this Ordinance is passed they would not be able to do that. He would argue that this does not help the business owners. He would love to see them come up with something that they all agree on that is tighter. He hates the way this mask issue has transpired and it needs to stop. This is not what this community is about. They are better than this. Masks are causing so much divisiveness in this community. Everyone needs to be respectful.

Mr. Graves understood about the businesses not wanting to have this enforced and asked that they move on to social distancing (also part of the Ordinance). He asked for some discussion and to come up with something as a group. He said for both sides of wearing or not wearing a mask there is not a silver bullet for this. He suggested that the best method for them was to communicate and educate the public. He said they could do a daily update so information reaches the public. There could be education on how to properly wear your mask. Maybe they need to focus on what is the best way to educate the community and how to reach them and do it to the best of their ability.

Mr. Neville suggested sending a letter to the State. He does not see any messages coming out on how someone is supposed to take care of themselves through the pandemic. He said that they need to put some information forward and market the appropriate way to behave. A note to the Governor imploring him to give some communications to the State of Florida might be helpful.

Mr. Brackett brought up doing some PSA's and said that he may look at doing some on his own.

Mayor Young commented that is in the proposal that they have for the CARES Act money.

Mr. Graves added that they could distribute sanitizer and masks to local businesses. Use some of the money from the CARES Act to do PSA's. He then brought up social distancing. He is concerned about people coming into their community and staying at their local hotels, swimming in their pools and allowing these mass gatherings that are occurring. He said that needs to be addressed. He also felt it was important that masks and sanitizer was provided to their schools. He asked Council what they can do about these large gatherings that are occurring. He has some real concerns about that.

Mr. Neville stated that he did have an alternative idea in respect to masking. He said it would be to suggest making masking mandatory for essential businesses. He knows that there is that thinking for people who are vulnerable to stay home. He said that some people who are vulnerable can't stay home if they have to go to an essential business. There are some essential businesses where masking should be enforced in a program because some people have no choice, they have to go to those places. That would be masking for all, however if a business should decide that they do not want masking they can opt out. It is still a matter of choice, just doing a reversal on what Mr. Graves suggested in his proposal. The business would go to the City and get a sticker that says that they can enter the business without a mask and this would be posted on the website. This offers choice and it does impose masking where it is vitally important for

people who have to go places and they have no choice. He said there are businesses that don't fit that category and if they choose to they can opt out.

Vice Mayor Moss said she would have the same objection that she has to Mr. Graves's proposal. She thanked both Mr. Graves and Mr. Neville for what they are trying to do and appreciates their intent. She understands that they are trying to unify the community on this. She then told Mr. Neville that she was really glad that he was back and that she missed him. She showed the Ordinance and said that this is about businesses and the businesses that she has heard from feel that this is a divisive act and the end result in spite of their good intentions the results will be that they will be pitting businesses against businesses and that is not the right way to go. They received a number of emails from churches who are upset about this and the churches is not mentioned as being exempt in the Ordinance. She asked the City Attorney if this was to pass could they change that provision in the Ordinance. She said that some of the churches were very upset. She said that they need to be really careful when they propose something because there is a lot of confusion in the public and they are thinking that Council is revisiting the mask situation and for the community at large that is not what they are doing. She said the proposed Ordinance was for businesses only. She said whatever they do that they need to be very clear and communicate more in the community. She doesn't know if they get the numbers daily, but if they do each of them could take turns in doing a daily update. She thinks that education is the key. There is a lot of confusion in the public not only with what they are doing, but in trying to understand the medical information that keeps changing all the time. The medical facts are constantly changing and she agrees the best thing that they can do at this time is whatever facts that they have to get those out. She wouldn't wait for the State. She said Council could send them a letter, but that they shouldn't wait. She was told by the City Manager that the numbers come out at 10:00 a.m. every day. Their purpose should be to let people know what is happening locally. If they can communicate that every day she thinks that is a great idea.

Mr. Brackett authorized staff to start looking into PSA's. He will give them the information that he has and they could have the Government Coordinator (Holt) put the numbers out on Channel 13 and start getting daily messages out. He said one (1) thing they know for sure is that this is a moving target and it changes daily. He said that his parents both have the Coronavirus and they were told not to get tested by their doctor who said they are now going by symptoms, which was news to him. He said that this information changed from when Mr. Neville had the virus two (2) weeks ago. He said that the more they can educate people and get information out the better they will be.

Mr. Graves agreed that they need to control this and not let the social media control it. He asked Mr. Brackett what was his reaction to Mr. Neville's proposal.

Mr. Brackett said he was not for legislation on the masks right now. He said it makes them divisive. It has to be a buy-in. He said lets continue to put the information out and educate people

Mr. Graves withdrew the portion of the Ordinance regarding masks and businesses. He brought up social distancing and wondered if they should create an Ordinance for outdoor gatherings.

Vice Mayor Moss commented that they need to follow the Governor's order and to her knowledge they have been. She has listened very intently to Dr. Callahan and she appreciates him being at the meeting. But, frankly they could be talking about 50 people in a football field, which would be fine. She said it is very difficult to legislate this and it would be difficult for them to communicate. It makes it too

complicated. She would not have an “appetite” to go with anything beyond what the Governor’s order states.

Mr. Brackett agreed with Vice Mayor Moss that social distancing needs to be State led. He does have some concerns about churches, schools, and businesses like his own. There are a number of local businesses that have more than 50 employees and now they are mandating them if they can’t stay six (6) feet apart to where a mask. While he agrees with this in theory there are some “holes” in his opinion that need to be addressed.

Mayor Young stated that there are a lot of reservations in their community in regards to social distancing.

Mr. Graves commented that there is not a super majority vote on this Ordinance. They need to start somewhere and have the community buy-in. He thinks that they have had some good discussion. He would like to see the CARES Act money to be used for daily briefings from the Council members. He would like to see the CARES Act money be used to buy masks and sanitizer to distribute in their City. He said there are some people who do not have the ability to quarantine and that is something that they cannot overlook. It is not just a mask issue. This is a good start and he thinks this is something that they need to keep on top of. They need to all watch each other’s daily briefing. The public needs to get the right information and all the facts. He withdrew the Ordinance.

Mr. Turner went over the different options that the Council has in regards to this matter.

Mr. Graves told Mr. Turner that he has withdrawn the Ordinance. He said if they see something that is getting out of control then they will need to take some action. They are being told that there are available beds at the hospital at this time. If they start seeing something where there is a crises they will need to act quickly.

Mr. Brackett commented that when doing a PSA they might want to mention that The Source will deliver food to someone that cannot get out of their house.

Mr. Graves said that there are people that can’t quarantine from their family members.

Mr. Falls agreed that there was some great discussion that took place today. He said one thing is that they do have a message board that they could put out with whatever the Council would like it to say.

Mr. Neville wanted to see them drive down the cases at the hospital to where they were four (4) months ago. He said that wearing some sort of face covering is important. He said that they might not like wearing it, but it is the right thing to do.

Vice Mayor Moss did not like having a meeting without any public comment.

Mayor Young said that they could take a break and reconvene once the Steering Committee meeting adjourns.

Vice Mayor Moss said the problem with that is that there might be a lot of people who have left by then. She did ask the City Attorney if they could start the Steering Committee meeting a little later and was told they could delay the meeting for a reasonable period of time.

Mr. Graves said that public comment is not necessary because they are not taking any action.

Mr. Turner agreed that public comment was not necessary. The proposed Ordinance has been withdrawn. The next matter to discuss will be the CARES Act.

2. PUBLIC HEARING

- A) **An Emergency Ordinance of the City of Vero Beach, Florida, in response to a Public Health Emergency resulting from the spread of COVID-19 providing that Business Establishments may require customers to Wear Face Coverings, Posting Signage, Practice Social Distancing for gatherings of 50 or fewer persons, Providing for Enforcement allowing for exemption for face covering, Providing for Penalty for Violation, Providing for Sunset, Providing for Conflict and Severability and Providing for an Effective Date. – Requested by Councilmember Joe Graves**

The Ordinance was withdrawn earlier in today's meeting.

B) Discussion of Coronavirus Relief Fund CARES Grant – Mayor Tony Young

Mr. Falls read from a prepared letter. He reported that on July 16, 2020, he received a letter from Mr. Jason Brown, County Administrator, telling him that the Board of County Commissioners approved the CARES Act local spending plan and funding agreement. The initial allocation to Indian River County is \$6.9 million and out of that amount the City would receive 8.7544% which equals to \$610,736. He provided Council with a list of the items that the City is anticipating spending the money on subject to review and will be ratified by the City Council at their August 18, 2020, City Council meeting. The City staff agrees with the County's assessment that the CARES Act guide provided to them for the spending of the money does not provide clear direction. He said that City staff has been very conservative and only proposed projects that can be tied to specific examples outlined in the State guidance. The direct expenditures in this funding plan total \$408,000 and the remaining \$203,000 they are proposing to partner with Indian River County and supplement its funding for small business recovery grants administered by Indian River State College and food support and delivery through the Treasure Coast Food Bank and the Senior Resource Association. This will enable the remaining funds to be directed to the benefit of the community while minimizing costs of administration for these programs. He said that this is Phase 1 of the program (initial 25%). He said there could be an additional \$12 million coming to the County to be distributed the same way, with \$8 million coming to the City. He would see that as being given to the community businesses to help those who have been impacted by shutdowns due to COVID-19. But, right now between the County and the City there will be \$370,000 available for \$5,000 grants that can be done by small businesses that were operating as of October, 2019, and have 25 or less employees and meet the criteria. It was the consensus of the Council for Mr. Falls to proceed with this.

Mayor Young commented that he is always open to having a Special Call meeting if one (1) needs to be called.

3. PUBLIC COMMENT

4. ADJOURNMENT

Today's meeting adjourned at 10:29 a.m.

/tb