

**MINUTES OF THE ORGANIZATIONAL MEETING OF THE CITY COUNCIL  
THURSDAY, NOVEMBER 21, 2019 9:00 A.M.  
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

**CANVASSING BOARD:** City Manager, Monte Falls; City Attorney, John Turner and City Clerk, Tammy Bursick **Also Present:** Deputy City Clerk, Sherri Philo

**1. Call to Order of Canvassing Board – City Attorney**

Mr. John Turner, City Attorney, called today's meeting to order at 9:00 a.m.

**A) Roll Call – Deputy City Clerk**

Ms. Sherri Philo, Deputy City Clerk, performed the roll call.

**B) Pledge of Allegiance**

Mrs. Tammy Bursick, City Clerk, led the audience in the Pledge of Allegiance to the flag.

Mr. Turner explained that the purpose of today's meeting is to rectify an interruption to the business that was conducted during Monday's Organizational meeting.

**2. Certification of Election Results**

**A) Presentation of Election Results – City Clerk**

Mrs. Bursick reported that the Election went very smoothly.

**B) Reading of Certification Resolution – City Manager**

Mr. Monte Falls, City Manager, read the Resolution certifying the results of the Election in its entirety (attached to the original minutes). In reading the Resolution certifying the results of the Election, he questioned if the date would be today's date or the same date noted on the Resolution. He was told that he would read the same date that is on the Resolution (November 18, 2019), which he did.

Mr. Turner opened public comment on this item at 9:03 a.m.

Mr. Brian Heady said that Mr. Turner stated the reason for today's meeting was because of the interruption of the last meeting. Mr. Heady said because some would consider that he interrupted the meeting, he didn't think that was the reason for this meeting. He thinks the reason for this meeting is because of the failure of the Canvassing Board to make and adopt the Resolution Certifying the Election results. He asked if he is correct.

Mr. Turner asked Mr. Heady if he had anything further to say.

Mr. Heady said that he is asking if he is correct. He asked is that the reason for this meeting.

Mr. Turner said that he is not going to respond to any questions. This is public comment, not public questions at this time. He said that Mr. Heady is welcome to proceed with any statements.

Mr. Heady said his statement is that the reason for this meeting is because the Canvassing Board failed to make a motion to adopt a Resolution to certify the Election results. He said that he tried to tell them that at the last meeting, but instead they had the Chief of Police remove him from City Hall and to now categorize this redo as being because of an interruption is just not the case. He thinks that whatever it is that they do here, they should do what they know to be true. The date on today's agenda is the 21<sup>st</sup> and today is the 21<sup>st</sup> and he understands that the reading of the certification was originally done on the 18<sup>th</sup> and the City Manager cited the 18<sup>th</sup> after asking that question and getting the legal response from the legal member of the Canvassing Board. But, he thinks if they are going to make a motion and adopt the motion and the Resolution then they probably should put the date that they did it properly (November 21, 2019).

Mrs. Laura Moss, Councilwoman, said for the community, she is in a unique position and has been for the last three (3) years to witness many good works that go unnoted and the other day she was a silent witness to maligning of a number of parties and she thinks first and foremost in her mind was the Vero Beach Police Department. She said that she is sorry that happened; that they should not be maligned in any way. They are fully prepared to put down their lives for anyone of us, including the person that maligned them. She said that she was witness to their courage. When they had the hurricane a few years ago she was the Mayor, and many people in the community might not know this, the bridge was closed and in fact, that was the storm that knocked down the light poles on the bridge and dented the guardrails. The bridge was closed and they thought there might be lives at stake in that there was a fire and the Fire Department was busy elsewhere. She stated that the Police Department had closed the bridge and four (4) policemen volunteered, which was around midnight, again a silent witness to the courage they had to go over that bridge to protect lives. They thought a life might be at stake because of the fire and there was a propane tank near the fire. She said to ever malign them in any way she thinks is just unspeakable. She also wanted to complement their Mayor, Mr. Tony Young. She has had the honor and the privilege to serve with him for three (3) years now and there were comments made the other day about, *well I was going to say something good, but now I'm not*. She said that she has nothing but good things to say about him and she is so proud and so honored to be serving with him. God bless him. She said that he is here almost every day and she knows that for a fact because so is she and he works very hard. Last, but not least, she thanked the City Attorney. She said that he has brought huge determination and great enthusiasm to this position. She said we are approaching topics now that she was told when she began this job were undoable, they can't do that and they can't get there from here and he (Mr. Turner) is not like that. He is like; if you want to do it we can do it. She will give them Tourist Tax as an example. She said that she mentioned to Mr. Turner when he started that she was told when she

was Mayor that you can't do that; that would never happen. She said we are on that road and she is very pleased. She thanked Mr. Turner. She asked if she was out of time because she will come back at a later time.

Mr. Turner answered yes.

Mr. Turner closed public comments on this item at 9:10 a.m., with no one else wishing to be heard.

### **C) Motion to Adopt Resolution Certifying Election Results**

**Mr. Falls made a motion to adopt the results of the Canvassing Board with the amended date of today's date, which is the 21<sup>st</sup> day of November, 2019. Mrs. Bursick seconded the motion and it passed unanimously.**

### **3. Oath of Office of New Councilmembers**

#### **A) Administration of Oath of Office – City Clerk**

At this time, Mr. Turner asked the City Clerk to administer the Oath of Office to the newly Elected City Councilmembers.

Mr. Brian Heady approached the dais.

Mr. Turner said that he thinks that he closed public comment.

Mr. Heady said that he knows he did, but they are going to administer the Oath of Office and he believes the City Clerk has done that. He said they should not in any way try to lessen the value of what each of these Councilmembers did at the last meeting. If the Oath of Office wasn't administrated properly, which he doesn't believe is true, then they are going to throw out every single thing that happened at the last meeting and they don't want to open that can of worms. He said the Oath of Office has been administered by the City Clerk in a lawful way. The only thing that wasn't done was the motion to adopt and that is what they should do. They should just adjourn the meeting right now. They have done everything they needed to do to make the corrections.

Mr. Turner thanked Mr. Heady. He said they would proceed and swear in the new Councilmembers again. He noted that they have already been duly sworn in, but as part of the procedure and process, they will ask the new Councilmembers to approach and be sworn in.

The City Clerk administered the Oath of Office en masse to Mr. Rey Neville and Mr. Joe Graves.

#### **B) Adjournment of Canvassing Board**

The Canvassing Board adjourned at 9:13 a.m.

**C) Council takes seats at Dais**

The City Council took their seats at the dais.

**4. Public Comment**

\* Please note that Public Comment took place under item 5-A) on today's agenda.

**5. Election of Mayor**

**A) Call for Nomination of Mayor – City Attorney**

Mr. Turner called for nominations for Mayor.

Councilwoman Moss nominated Mr. Young for Mayor. Mr. Graves seconded the nomination.

There were no other nominations.

Mr. Brian Heady said some things are just hard to believe. He said you have the agenda and you start on with the calling for nominations before public comment is requested.

Mr. Turner asked Mr. Heady if he has a comment.

Mr. Heady asked which part of what he said wasn't part of his comment.

Mr. Turner said that he didn't hear what Mr. Heady said.

Mr. Heady said that he can start right from the very beginning again if that is what he wants.

Mr. Turner said that he wants him to have his public comment and they will listen.

Mr. Heady said that is what he was doing. He was having his public comment. He said for them (City Council) to be prepared and he would think that all Councilmembers would agree that they should be prepared. They should make sure they read the backup information when they come into a Council meeting. He said they should know what they are doing, know what they are voting on, know what that encompasses, and what the cost is to the taxpayers. They should consider the options. Just because someone puts something before them doesn't mean that's the only possible thing that they can do. There are options. He said that he was not allowed to speak at the last meeting and he wanted to say at the very beginning that there were options for the selection of Mayor and one (1) of the options that he thought was Mr. Young and there were lots of historical reasons for that. The other one (1) that he was thinking was probably Mr. Brackett and

there were several reasons for that. Not the historical reasons that apply to Mr. Young, but certainly Mr. Brackett has been successful in business management and he is sure that he (Mr. Brackett) has run more than his fair share of meetings so there is a reason for him too. Then they had a meeting and everything kind of got mixed up and juggled. What he is thinking now is there is a very good reason for Mr. Graves to be Mayor because when the problem was pointed out, Mr. Graves was a pitbull on getting this done right, to make sure it is done right, and to make sure the public has the opportunity to speak. He said when the City Attorney, their employee, told him no he (Mr. Graves) persisted and stuck to his guns asking is there a Statute, a State law, etc. The point is that Mr. Graves was quick on his feet, thoughtful, and understood so he (Mr. Heady) could make an argument that maybe Mr. Graves should be Mayor. He said that he didn't think Mr. Graves would want to be Mayor because he (Mr. Heady) has sat on the City Council and when you are Mayor, you kind of have to put blinders on because you have to be very concerned about procedure and conducting a meeting. He said as a citizen, he would much rather see Mr. Graves without his mind spinning to make sure he is doing the right procedural things. He would rather have Mr. Graves exactly like he was the other day where he was free to think about what was going on and fix the problems. He said that he would rather not see Mr. Graves be Mayor. He said that he thinks there are still good reasons for Mr. Brackett to be Mayor and he doesn't have a problem with Mr. Young being Mayor. He felt that Mr. Young, as Mayor, would probably conduct himself with the attitude that he works for the public and is a public servant. He doesn't see Mr. Young rising up as a dictator so if you have a person with the historical background of the community and wants to make sure the citizens have a fair shake then he doesn't have a problem with Mr. Young. He said that he doesn't have a problem with Mr. Brackett. He doesn't think the other new Councilmember should be Elected Mayor. He thinks they have seen Councilwoman Moss as Mayor and he said the last thing the community wants to see is for that to happen again. As a citizen, he doesn't want to see that happen again. He said she abused citizens' rights and violated his rights on multiple occasions over and over again repeatedly. The last thing that he would want to see is Councilwoman Moss as Mayor. He thinks they do have some options. He thinks the options of Mr. Brackett would be a good choice and Mr. Young would also be an acceptable choice. He said in looking at the agenda, he does not see an opportunity for him to speak again so he will speak on the Election of the Vice Mayor as well, unless they give him the opportunity to come back after they select the Mayor. He said as far as the Vice Mayor is concerned, he thinks there is only one (1) really good likely choice and it's the choice, not because Mr. Brackett understands the will of the Board, but rather because he understands what is good for the public. He said having a certain member on this Board at the first meeting was very good for the public because he understood and had backbone enough to stand up to other authorities and do the right thing. He said if they are going to have Mr. Young as Mayor then the absolute best choice for the community would be to have Mr. Graves as Vice Mayor. The absolute best choice for them as Councilmembers would be to have Mr. Graves based on his performance at his first meeting. If Mr. Young is not available, that's the kind of guy they want to stand up and be the representative for the City. If they want his advice, either Mr. Young or Mr. Brackett for Mayor, but for Vice Mayor there is only one (1) choice and that's Mr. Graves.

Councilwoman Moss said that she would appreciate the opportunity to respond since that was a personal attack.

Mr. Turner said as personal reference they do not allow that and she has the opportunity to respond to the personal accusations and references.

Councilwoman Moss questioned so it's appropriate then.

Mr. Turner said yes, it would be appropriate.

Councilwoman Moss said for those who might not know in the community, they did vote as a Council the other day to move public comment forward. They had done that when she was the Mayor two (2) years ago, in April of 2017. It was moved back to the end of the agenda in April of 2019, and this Council just opted to move it forward. She said with regard to the accusations, it is interesting to her with regard to the public and public comment. She has always been a champion of it. She spends a great deal of time out in the community and absolutely enjoys it. She loves that role. But, how ironic for Mr. Heady to be concerned about public comment and silencing the public because in the Election of 2018, he was part of the lawsuit, he filed a brief in support of it, which this is a matter of public record, and by doing so when that Election was thrown out, 5,123 people were silenced. She said there were that many fewer ballots cast. In 2018, and this is from the Supervisor of Elections, almost 8,000 ballots were cast and in February, 2019 there were less than 3,000 so 5,000 voices were silenced so she finds it a bit ironic for him to concern himself with that. In addition, Mr. Turner would not be aware of this, but while Mr. Heady sat on Council and she knows some people have been here long enough that they would know this, that while he sat on Council he sued the City. He had a lawsuit against the City and Mr. Coment, who was the City Attorney at that time, informed her that the cost to the City of that lawsuit was approximately \$30,000. She said that's a lot of money for the City. That's many raingardens that didn't happen as a result of that lawsuit. She said these are just facts. She doesn't believe in personal attacks. She thinks you look at the facts of the matter. She is very happy that they moved public comment forward.

Mr. Heady approached the dais.

Mr. Turner asked if there were any other nominations for the position of Mayor.

Mr. Heady said so he guessed that if he mentions her (Councilwoman Moss) name she is allowed an opportunity to defend herself, but if she mentions his name he is not allowed the same opportunity.

Mr. Turner explained to Mr. Heady that he opened the door and she had a right to respond. He (Mr. Heady) does not have a rebuttal opportunity. He said that he would allow Mr. Heady at this particular time 30 seconds.

Mr. Heady asked does he or doesn't he have the opportunity for rebuttal because if he has an opportunity for rebuttal it will be more than 30 seconds.

Mr. Graves said first of all, he thinks they should allow public comment. He does not think arbitrary time lines should be imposed that is not based on anything. He said this is why people don't like politicians, why people don't like Councils, and why people don't like politics in general. He said this is going on in this Country and now it is coming down to the local level. He said this is one (1) of the reasons he ran for City Council. Like it or not as an Elected Official what they do is in partnership with the public. They listen to the public and make judgements based on what the public says and the input the public has. He said they should be above this pettiness of going back and forth with citizens, whether they like what they have the say or they don't like what they have say. They should listen, give them the opportunity to say it, and not have this back and forth because to him it is very petty and they need to move on with the City's business. He said they need to give their citizens respect and the citizens need to give them (the City Council) respect.

Councilwoman Moss said it's also against Statute. She said any public comment, for the public, is to be addressed to the Council as a body, as an entity, and not toward any single individual.

Mr. Graves agreed. He said that is the problem right now with having this discussion without an Elected Mayor. Once they elect the Mayor then the Mayor can control the Council meeting and any other comment on the Vice Mayor could then be had. But, the problem now is they have the City Attorney in control of the meeting because they don't have a Mayor Elected.

Mr. Turner said they would proceed with the Election of the Mayor.

There were no other nominations.

**B) Motion for Election of one of the Nominees as Mayor**

**With no other nominations, the nomination for Mr. Young as Mayor passed unanimously.**

**C) Mayor assumes control of the meeting**

Mayor Young said that he is still on cloud-nine. He was on cloud nine three (3) days ago and he is still on cloud nine. He informed the public that in a few minutes they would adjourn and would begin the next major endeavor to make this community awesome, which deals with the property by the Alma Lee Loy Bridge (three corner's property). He said in closing the City Council meeting the other day, he reflected on an article from General James Mattis, Secretary of Defense, and he (Mayor Young) thinks that is what he hears across the community; that as a group of public servants that they are to work together as a Body and to respect the public and move forward in that regard. He thinks

that those who have come to know him realize that is something that is extremely important to him.

## **6. Election of Vice Mayor**

Mayor Young opened public comment on this item at 9:29 a.m.

Mr. Brian Heady said public comment wasn't on the agenda after the Election of the Mayor or prior to the Election of Vice Mayor. He thanked Mayor Young for adding that on. He said there is a gentleman here who, even at this meeting once again, has risen to the occasion to make that man for the best interest of this community Vice Mayor.

Mayor Young closed public comment at 9:30 a.m., with no one else wishing to be heard.

### **A) Call for Nomination for Vice Mayor – Mayor**

Mayor Young called for nominations for Vice Mayor.

Mr. Neville nominated Councilwoman Moss for Vice Mayor. Councilwoman Moss seconded the nomination.

There were no other nominations.

### **B) Motion for Election of One of the Nominees as Vice Mayor**

**With no other nominations, the nomination for Councilwoman Moss as Vice Mayor passed unanimously.**

## **7. Adjournment**

Today's meeting adjourned at 9:31 a.m.

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