

**CITY OF VERO BEACH, FLORIDA
SPECIAL CALL CITY COUNCIL MINUTES
THURSDAY, OCTOBER 14, 2021 1:30 P.M.
CITY HALL, COUNCIL CHAMBERS, VERO BEACH, FLORIDA**

PRESENT: Mayor Robbie Brackett; Councilmember Honey Minuse; Councilmember Bob McCabe and Councilmember Dick Winger **Also Present:** Monte Falls, City Manager; Jenny Flanigan, Assistant City Attorney and Tammy Bursick, City Clerk

1. CALL TO ORDER

A) Pledge of Allegiance

Mayor Brackett led the City Council and the audience in the Pledge of Allegiance to the Flag.

B) Roll Call

The City Clerk performed the roll call.

2. DISCUSSION ITEMS

A) Introduction of the Panhandling Ordinance – Mr. Michael Kahn, Attorney

Mr. Michael Kahn, Attorney, told Council that they were at today's meeting to hear testimony and consider adopting the proposed panhandling Ordinance on October 25, 2021. He made it clear that the Ordinance has nothing to do with homelessness. He proceeded with asking each of his witness's different questions.

1) Police Officer Witness Testimony

Corporal Officer Kmetz was sworn in and stated that he has worked for the City of Vero Beach for the last 14½ years. He has seen the affects that panhandling has had in regards to tourism in the City of Vero Beach. He has received panhandling complaints from businesses throughout the City. The complaints mostly come from the downtown area, McDonalds and Murphy's Law office. He has talked to representatives from Murphy's Law office who complain that the panhandlers leave their trash on his property that is located on the corner of US1 and Route 60. They have defected on his property and sometimes use profanity. There have been numerous complaints at McDonalds where the panhandlers try to stop people while they are going through the drive-thru and ask for money and sometimes food. There was a murder that took place at McDonalds a couple years ago where a panhandler killed a bicyclist that was going through town to meet his girlfriend in Miami. Corporal Kmetz said that he was a detective at the time that the murder took place, but he was not handling the case. The panhandler stabbed the bicyclist and he was charged with murder. There are a lot of employees at McDonalds who are afraid of the panhandlers. Also, at Murphy's Law office there are employees who ask that someone walk them to their car for safety reasons. He noted that he has seen panhandling done at the major intersections.

Officer Kelsea Marty was sworn in and said that she has worked for the City of Vero Beach Police Department for the last 3 years. She expressed that she has read the proposed panhandling Ordinance. She described the panhandling at City intersections that she has witnessed. She witnessed at one of the

intersections that a woman handed a panhandler some food and the panhandler threw the food back at the woman saying that he did not want food, he wanted money. She patrols the entire area of the City. She has talked to employees at Murphy's Law office who ask that the panhandlers not park their bikes in their bushes. She said that some of the panhandlers get very aggressive towards the employees there. She said one time they even threatened to fight the attorney and his wife. Another incident she recalled was at 2296 US1, which was the former 7-Eleven. She said that they received complaints all the time and still do because of the panhandlers that sit at the corner of that property. There are complaints that come in from surrounding businesses. She has seen the panhandlers openly defecating and urinating in public. She said that on 14th Avenue she witnessed a panhandler urinating all over the bench where people sit. She believes that the provisions in this Ordinance will push panhandlers away from certain areas and stop them from utilizing the Heritage Center and benches outside. She has witnessed panhandlers before she became a police officer and it was very intense for her especially having her children in her car. She remembers an incident where a panhandler was banging on her window for money. She feels that this Ordinance will help mitigate some of the dangers that she has experienced.

Detective Eduardo Somoza was sworn in and has worked for the City of Vero Beach Police Department for the last four (4) years. He is currently a detective. He has witnessed aggressive panhandling at the Walgreens located at 17th Street where employees have complained that panhandlers are asking people entering the store for money. He said that panhandlers sometimes urinate and defecated near the dumpsters at Walgreens. At Cumberland Farms panhandlers visit that establishment late at night frightening some people from entering the store. He has examined backpacks that panhandlers carry and at one time he arrested a panhandler who was trespassing near Sunoco and he had a pocket knife in his backpack. He has seen panhandlers near the ATM at Publix and patrons get scared and leave the market.

Detective Kyle Eder was sworn in and said that he has worked for the Vero Beach Police Officer for five (5) years and he is presently the detective in charge of economic crimes. He has read the panhandling Ordinance and has seen the effects that the panhandlers have on the citizens of Vero Beach. He has received complaints from local businesses especially at McDonalds, the old 7-Eleven and the panhandling that occurs at stop lights daily. He also has gotten complaints where the panhandlers walk out in the middle of traffic.

Captain Matt Monaco was sworn in and testified that he has worked for the City of Vero Beach Police Department for the last 23 years. He has read the proposed Ordinance and understands it is a distance based Ordinance that prohibits panhandlers from certain distances of businesses. He recalled the murder that took place at McDonalds where a panhandler stabbed a bicyclist that resulted in his death. There was also a complaint by the old Big Lots where there is a dance studio, which is near 43rd Avenue. He said that several panhandlers approached parents while they were waiting for their children in the parking lot. He personally experienced that. He was in an unmarked police car and was on his way home from work and stopped to pick up his children at the dance studio. The panhandler approached him and as soon as he noticed that he was a Police Officer he took off. That has not been the same experience for some of the parents. He said some of the children that attend that dance studio are only three (3) years old. He has personally spoken with Mr. Murphy, who owns Murphy's Law office, and Mr. Conrado who owns the McDonalds in the City, about many complaints they have had with panhandlers. On May 26, 2021, he received a complaint about a panhandler using foul language at Walgreens on 17th Street and that person received a trespassing warning. He believes that the provisions in the Ordinance will mitigate the dangers that have been mentioned by fellow Police Officers. Captain Monaco said that he has also witnessed some of these panhandlers in the middle of the street and there have been some close calls regarding safety issues. This Ordinance will also protect the panhandlers. He has witnessed unsanitary items

located in the backpacks of panhandlers. He is aware of panhandlers sitting on the benches at Pocahontas Park and defecating in back of the Rotary fountain at Pocahontas Park.

Mrs. Heather Stapleton, Executive Director of the Heritage Center, was sworn in. She has worked for the Heritage Center for four (4) years. She gave some history of the Heritage Center and said that it was built in 1935 and was placed on the Historic National Register in 1991. It was the original community building and since then has served many purposes. She said that the Heritage Center is located next to Pocahontas Park. Outside of the Heritage Center there are 32 benches. The Heritage Center encompasses 21st Street and 14th Avenue. There are benches right on the outside of the Heritage Center. Also, on 14th Avenue from the playground to their front door there are eight (8) benches and outside of the playground near the fence there are two (2) more benches. Just outside their front door there are four (4) benches then next to the Rotary fountain there are an additional 12 benches. She said that on 21st Street, one (1) bench faces the Rotary fountain and there are five (5) additional benches that face 21st Street. The Heritage Center houses the Indian River County Citrus Museum that serves tourists. The Museum was opened in 1993. There are families and children using the benches when the panhandlers are not there. She has seen a panhandler urinate in front of the Citrus Museum window facing the playground. She has witnessed defecation in Pocahontas Park regularly. She has received complaints from families wanting to utilize the benches, but they can't because they are being utilized by panhandlers. She said that people who use the Heritage Center for family events don't feel safe sitting on those benches. She said that sometimes potential renters leave because of what they see. She has seen panhandlers defecating behind the Rotary fountain, noting that the playground is utilized by children all day long. She has received complaints about the lack of hygiene in the bathrooms at Pocahontas Park. She commented that panhandlers beg for food after events and the renters who are using the Heritage Center should not be put in that position. She said that with some events if there is food left over that has not been touched they have places where that food can be taken to. She said that the panhandlers continue begging for food at the Heritage Center.

Business Witnesses

Mr. Jose Conrado was sworn in and is the owner of McDonalds located at 1925 US 1, along with three (3) other McDonalds. He will focus on the McDonalds located on US1 and where the murder took place. He said the murder happened on the grounds of McDonalds where a panhandler stabbed and killed a bicyclist coming through Vero Beach heading to Miami. He was out of town at the time of the murder and he was notified by his brother who is the General Manager of that McDonalds. He immediately drove home when he heard about the incident. He said that the panhandler thought that the bicyclist was organizing a group to attack him so he stabbed the bicyclist with a knife. He has owned this restaurant since the 1980's. There have been complaints received from his employees and customers at McDonalds about panhandlers. He knows a lot of people in this City and a lot of times they call him on his cell phone. He has experienced aggressive panhandlers outside of his business when parents and single moms are going through the drive thru. Shortly after the murder he was confronting the panhandlers because some of his employees feared for their safety. He was told by Chief Currey not to confront them, but to call the Police Department and report it because he was putting himself at risk. He reiterated that some of his employees are terrified to ask the panhandlers to leave the premises. His restaurant is located next to Sunoco's where panhandlers hang out and when you walk by that area it often smells like urine. He has always feared that there is going to be a bad accident when people are using the drive thru because they are going to be distracted when a panhandler is asking them for money or food. He has seen panhandlers at the stop signs and he recalled being approached when he was stopped at the light in front of Murphy's Law office. He tries to stay in the middle lane now in order to avoid the panhandlers.

Mr. Tomas Conrado was sworn in. He is the brother of Mr. Jose Conrado and the General Manager of the McDonalds located on US1 and has been employed there for 25 years. He currently has 40 employees working for him. He has seen the effects of the panhandlers in Vero Beach especially after the murder that occurred at McDonalds. He said that the murder happened around 8:30 p.m. and the manager on duty that night called him when the incident happened and he came right down to the restaurant. He witnessed everything that happened on camera. He saw the panhandler kill the bicyclist. He said there was a lot of fear from his employees and patrons after the murder occurred. He said that several customers come to him about the panhandlers being out in the driveway or parking lot wanting money. On a daily basis they get complaints from employees that someone is outside of the restaurant panhandling or a customer will come in and tell them. He said that some panhandlers come inside the restaurant to panhandle, which is very disturbing. He recalled one (1) day that he was standing outside in the McDonald's parking lot and there was a panhandler that kept asking for money and he told him to leave and that panhandling was not allowed on the property. He said that he was going to call the Police and the panhandler hit him in the face. The Police came and arrested him for trespassing. He has seen panhandlers standing in the intersection. He believes that this proposed Ordinance will help with some of these dangers that he has witnessed.

Mr. Gordon Sellers, owner of Fast Signs located on 1925 14th Avenue, was sworn in. He has been at that location since 2019 and he has four (4) employees. He has heard complaints from his employees about panhandlers. He said that one (1) day there was a panhandler outside his store and he started to come into the store and he asked him to leave and he did not. He pushed passed him where a customer was interacting with an employee and the panhandler asked the customer for \$20.00. He escorted the panhandler outside. The customer and his female employee were afraid after that incident occurred. He had to walk the customer to her car. That same employee used to go to Pocahontas Park and read on her lunch hour. She now stays clear of Pocahontas Park because of the many panhandlers in that area and she goes to Young Park on her lunch hour to read. She was getting very frightened by the panhandlers that kept asking her for money. He said that the same people (panhandlers) are regulars at Pocahontas Park and visit it on a regular basis. He said there is a known group that will stop people on the streets asking for money. He witnessed the same man who he skirted out of his business urinating at a business directly across the street. He has seen panhandlers at the intersection and has been panhandled at the intersections many times. One day he was stopped at the light near Murphy's Law office and a panhandler asked him for money and when he wouldn't give him anything he kicked his business truck. He worries about the school being so close to 14th Avenue and that he sees a lot of the children from school go down 14th Avenue and they have to dodge the panhandlers.

Mr. Wil Murphy was sworn in and has been an attorney for 30 years and was born and raised in Vero Beach. His law office is located on 20th Street and the corner of US1. He has eight (8) employees and is a partner in the law firm. He said he has received complaints and made complaints about the panhandlers that hang out on his corner. He said that he has seen these people come on his parking lot, they fall asleep on his property, and he has witnessed them defecating and urinating in this area. He said that many days he walks his employees to their cars and the cleaning lady is sometimes fearful of the panhandlers when she is cleaning after hours. He has seen fights take place on the sidewalk and he literally has had to go out and try to stop them. However, Chief Currey has told him not to do that because he puts himself at risk and to just call the Police Department and report it. He said that he has been subjected to panhandlers who are very aggressive. He mentioned the sign that was put up on the corner of 20th Street asking people not to give money to people asking for it, but contribute the money to a non-profit organization. He said the sign has done no good. The panhandlers lean on the sign, stand their bikes up against the sign, have

their backpacks all around it, etc. He said that the sign has not discouraged panhandling. He believes the provisions of the Ordinance will act to mitigate the effects of panhandling. He said the Police have done an extraordinary job and they respond immediately. He agrees this Ordinance has some teeth. He talked about Dr. Callahan who is an infectious doctor and will be a key witness testifying at their October 25th Special Call meeting. He said growing up here he remembers what Vero was like and he repeatedly hears that the character of Vero Beach has changed. He certainly wants to see something done about the panhandlers and feels that the proposed Ordinance is the right step to take and that they are moving in the right direction. His corner office has windows on both sides and he sees later in the day near the hedge the panhandlers use that area as their restroom. He said that it is unsightly and should not happen, as well as very offensive.

Mrs. Karen Fulcini was sworn in and has been in Vero Beach since 1988 and has several businesses. She owns Bacci's restaurant on 14th Avenue, Vero Beach Imports and she does historic building restoration. At the restaurant she has 15 employees and Amy Ditrolio is her General Manager. At the restaurant there is an open court yard so there is a lot of activity in the outside and sometimes the panhandlers will talk to her patrons on the patio. She recalled there was a guy out there talking to a group of four (4) people and she thought he knew them, but what he was trying to do was take the money that their server was going to pick up for their bill. She told him to get out now and not to come back again. She worries about her servers when they leave work because they have cash on them. She mentioned that there is one (1) man who rides his bike with flags on it and says that he was in the Vietnam War. This man has tried to approach some of her servers and put them in a corner while begging for money. He thinks because he is posing as a Vietnam Veteran it makes it okay and it does not. Some of the elderly customers coming into the restaurant are very uncomfortable. She told everyone to always be aware of their surroundings. People in her parking lot have been approached by panhandlers. There is a fountain in the middle of her patio area and one day she found a panhandler taking a bath in the fountain and defecated in the fountain. She cleaned the fountain, but no longer has any water in it. There is a large empty lot behind her restaurant. One day she opened her back door to go out to the dumpster and there were people having sex outside of her restaurant near the dumpster. Her sister in law saw it and called the police immediately. There are a lot of the same people hanging out in this area known to be panhandlers. She believes this Ordinance will help stop some of the dangers that she has witnessed.

Mayor Brackett called for a break at 3:11 p.m. and the meeting reconvened at 3:25 p.m.

Ms. Nanette Haynes was sworn in and stated that she has worked for the City of Vero Beach in the Public Work's department for 19 years. She has 29 employees and two (2) of her employees are here today to testify. They are Michael Rochefort and Robert Batton. Mr. Batton is a Park Attendant and he cleans the restrooms, cleans the tables and pretty much everything that needs to be done in the Park areas. The City has nine (9) Parks that have restrooms and 16 Parks that don't have restrooms. She said that Mr. Rochefort takes care of South Beach and his hours are 1:00 p.m. to 9:30 p.m. and he locks all the nine (9) Park restrooms in the evening. The Parks that have gates are closed by the Police Department. She has said she periodically has to dispatch calls to have someone go out and clean up after someone has defected or urinated at one of their Park facilities. She purchases a lot of bleach for this reason.

Mr. Robert Batton was sworn in and has been an employee of the City of Vero Beach for two (2) years. He has witnessed panhandling at the intersection of 14th Avenue. One day he was working at Pocahontas Park and a panhandler kept asking him for money and he told him that he didn't have any. He primarily works at Pocahontas Park and Charles Park. He sees panhandlers sitting on the benches on most days that he is working at Pocahontas Park. He has witnessed many times panhandlers defecating and

urinating behind the Rotary fountain at Pocahontas Park. When this happens he has to do some burying or water this area down. There have been times when he has had to clean the backrooms where feces was all over the walls. He sometimes has to clean the benches multiple times. He wants them clean for when children sit on them. He said there are some panhandlers at Charles Park, but nothing like Pocahontas Park. He notices across from Pocahontas Park where the Italian Kitchen is located that people coming to pick up their food are subject to panhandlers wanting food and money. He has seen panhandlers at intersections and he has been panhandled at intersections. He has seen some articles in the backpacks left behind by the panhandlers and sometime there is soiled clothing, drug paraphernalia, needles and pipes, etc. He sees fear in some of the mother's eyes when they come to Pocahontas Park and try to shield their children from panhandlers.

Mr. Michael Rochefort was sworn in and has worked for the City of Vero Beach for 15 years. He takes care of the Park at South Beach and comes across more panhandlers than you can imagine. He said that they will ask for money and food. One night around 8:30 a.m. he was locking up the restrooms at Jaycee Park and he was approached by two (2) guys asking for money. He gave them \$3.00 and they left. He went over the Parks that he closes at night and the route that he takes. He has witnessed panhandlers defecating in the back of the restrooms at South Beach. He has also seen it at Pocahontas Park.

B) City Council Discussion of the Panhandling Ordinance

The public hearing on the proposed Ordinance will be held on October 25th at 1:30 p.m. They will have Dr. Callahan at the meeting to testify, as well as someone from the GIS Department who has done maps showing the effects of this Ordinance in the City. This Ordinance protects everyone including the panhandlers because they have their own constitutional rights. He thanked Ms. Flannigan for her help in organizing the testimony that they have seen here today.

Mrs. Minuse asked about Section 1-14 of the Code referring to penalties.

Ms. Flannigan explained that is the general penalty provision of the Code. It allows someone to stay in jail up to 60 days and a fine of up to \$500.00 could be imposed.

3. PUBLIC COMMENTS

There was no one wishing to make public comments at today's meeting.

4. ADJOURNMENT

Today's meeting adjourned at 3:56 p.m.

/tb