

**SPECIAL MEETING
DESTIN CITY COUNCIL
APRIL 29, 2020
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION/PLEDGE OF ALLEGIANCE

1. PUBLIC COMMENTS

2. NEW BUSINESS

- A. Okaloosa County Health Department Presentation - Dr. Karen Chapman
- B. Okaloosa County Emergency Management and COVID--19 Updates-Patrick Maddox-
- C. COVID-19 Emergency Measures

3. PUBLIC COMMENTS

- A. Written Comments from the Public (Received during meeting)

4. ADJOURNMENT

****** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.***

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesiten ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: April 29, 2020**TYPE OF AGENDA ITEM:** Action Item

TO: City Council**THRU:** Lance Johnson, City Manager
Webb Warren, Deputy City Manager**FROM:** Kyle Bauman, City Attorney
Kimberly Kopp, Land Use Attorney**DATE:** April 28, 2020**SUBJECT:** COVID-19 Emergency Measures

I. BACKGROUND: On March 20, 2020, the City Council adopted Resolution 2020-04, closing certain properties and facilities, including all beaches within City limits. The portion of Resolution 2020-04 closing all beaches within City limits is set to expire April 30, 2020. At its April 20 regular City Council meeting, the City Council directed City staff to schedule a Special Meeting of the City Council to convene on April 29, 2020, for the City Council to consider modification of Resolution 2020-04.

II. DISCUSSION: At the April 20, 2020, City Council meeting, the City Council instructed the attorneys and staff to bring back a Resolution substantially conforming to the terms of any Declaration passed by the Okaloosa County Board of County Commissioners at its April 28, 2020, meeting. The attached Resolution 2020-09, is substantially similar to Okaloosa County Declaration of Emergency Recovery Measures Related to COVID-19 2020-07. Key terms relating to the beaches are located in Section 2 of the attached Resolution 2020-09.

- A. Link to Strategic Goals / Objectives:** Enhanced Quality of Life
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

The Okaloosa County Board of County Commissioners also directed staff to bring back a resolution to the May 5th BOCC meeting that would potentially open county beaches without restrictions on May 9th.

At the May 4th regularly scheduled Destin City Council meeting or at a special meeting later in the week, Council can consider additional COVID-19 Measures, including the County's potential beach measures effective May 9th.

IV. RECOMMENDED MOTION:

Attachments:

1. Resolution 20-09 - Providing for Partial Reopening of Properties and Facilities - 4.28 update
2. Written Comments from the Public

RESOLUTION 2020-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR PARTIAL REOPENING OF CERTAIN PROPERTIES AND FACILITIES; PROVIDING FOR PROCEDURES FOR ADVISORY BOARD AND COMMITTEE MEETINGS; SUPERCEDING CONFLICTING ORDINANCES AND RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza; and

WHEREAS, in December 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 150 countries and territories throughout the World, including the United States, and more specifically Okaloosa County and 26 other counties in the State of Florida; and

WHEREAS, on March 11, 2020, the World Health Organization (“WHO”) declared COVID-19 a pandemic; and

WHEREAS, on March 13, 2020, President of the United States, Donald J. Trump, issued a Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease Outbreak pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, The City of Destin, Florida (the “City” or “Destin”) is threatened by COVID-19 because of the apparent ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of Destin; and

WHEREAS, the CDC has issued guidelines for “community mitigation strategies” to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 regarding COVID-19, declaring a state of emergency in the State of Florida and authorizing in accordance with § 252.38, Florida Statutes, each political subdivision within the State to “waive the procedures and formalities otherwise required of the political subdivision by law pertaining to ... [the] [p]erformance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;” and

WHEREAS, on March 17, 2020, the Okaloosa County Board of County Commissioners declared a local state of emergency that is still in effect today; and

WHEREAS, on March 18, 2020, pursuant to Chapter 8, Articles II and III of the City's Code of Ordinances, the City's Mayor and City Manager jointly declared a State of Emergency exists in the City; and

WHEREAS, on March 20, 2020, the City Council duly adopted Resolution 20-04, providing for closure of certain properties and facilities; and

WHEREAS, on April 1, 2020, the City Council duly adopted and ratified the Declaration of State of Emergency and this State of Emergency or an amended version of it remains in effect; and

WHEREAS, the Declaration of State of Emergency empowers the City with wide latitude allowing it to adopt any measure allowed by law that is in the best interest of the public's health, safety, and welfare; and

WHEREAS, § 252.46, Florida Statutes, permits political subdivisions of the state to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of §§252.31-252.90, Florida Statutes; and

WHEREAS, the measures implemented below are as narrowly tailored as possible to protect the public's health, safety, and wellbeing; and

NOW, THEREFORE, the City Council of the City of Destin, Florida, does hereby declare and establish the following:

Section 1. Recitals.

1. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Partial Reopening of Certain Properties and Facilities.

1. Except as otherwise described herein, public and private beaches, beach accessways, trails, parking areas solely for accessing public and private beaches, and City beachfront parks (collectively heretofore referred to as the "Beaches") are reopened between the hours of 6:30 a.m. and 9 a.m., and 4:30 p.m. and 7 p.m., daily.
2. Pursuant to Executive Order 20-91, a social gathering is not an essential activity. No group of greater than ten (10) is permitted to congregate on the Beaches, regardless of whether that group is engaging in an "essential activity."
3. No commercial activity is allowed outside of hours that the Beaches are reopened.

Section 3. Procedures for Advisory Board and Committee Meetings.

1. City Advisory Board and Committee Meetings shall be scheduled and held at the discretion of the City Manager or his designee. These meetings shall utilize communications media technology in accordance with City Resolution 2020-05 and City Resolution 2020-08, to the extent practicable.

Section 4. Severability.

1. If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution.

Section 5. Inconsistent and conflicting Ordinances and Resolutions superseded.

1. This Resolution shall supersede all inconsistent or conflicting Ordinances and Resolutions to the extent these Ordinances and Resolutions are inconsistent or conflicting for the time this Resolution is in effect. Except as otherwise described herein, the terms of City Resolution 2020-04, are hereby specifically reaffirmed and readopted and shall remain effective until further amended or modified by the City Council.

Section 6. Effective Date.

1. This Resolution shall be effective beginning the day of May 1, 2020.

**PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF
DESTIN, FLORIDA THIS ___TH DAY OF _____, 2020.**

GARY JARVIS, MAYOR

ATTEST:

REY BAILEY, CITY CLERK

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE CITY OF
DESTIN, ONLY:

KYLE S. BAUMAN, ESQ.
CITY ATTORNEY

Rey Bailey

From: Greg Brooks <gb4loans@aol.com>
Sent: Thursday, April 23, 2020 3:24 PM
To: Rey Bailey
Subject: Comments regarding Beach Restrictions for Meeting April 29th.

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

I would like to submit this comment regarding the review of beach restrictions for the City of Destin

All of us have been impacted by Covid-19.

People are working from home or limited hours or not working at all. Medical staff and professionals are in overdrive providing care and information. Our lives have changed very quickly.

As members of the City Council, you have a difficult decision to make.

Destin is a small community. Per a quick Google search, Destin has a population of just over 14,000 people, and sees approximately 3,600,000 tourists each year.

Right now, we have rules in place about the beaches being closed and a state requirement banning short term vacation rentals is in effect until April 30th (as of this writing). Despite these rules, we have people violating the rules by renting (I've seen and spoken to renters) and on the beaches (though the lifeguards and police have enforced this pretty well in Destin). These rules are in place to help prevent community spread of the disease.

As a community, we have to be concerned about a highly contagious virus. Covid 19 spreads easily and quickly and invisibly when people are gathered together. People who are young and healthy have died and have had negative outcomes including damage to vital organs like heart, lungs and liver. The health and well being of our community is a concern for us all.

I also understand that the business community would like things open sooner rather than later as time going by with no income or reduced income is deleterious to the success of that business.

We are a small town. Our stores are still not fully stocked and our businesses and attractions are closed or operating at reduced capacity.

The idea of a vast number of tourists coming in to our city right away is a concerning one. Tourists visit Destin from many places now or recently considered "hotspots" including New Orleans, Atlanta, Nashville and Chicago. To have hundreds or thousands of people here from those areas means the risk of them introducing disease to our community as well as to tourists they would encounter from other areas.

With your ability to impose or remove beach restrictions, you are also throttling (or not) the flow of tourists to our area who are less likely to risk their own health if they know that the beaches are closed or open only for limited times. Bars and restaurants and other businesses would most likely not open until Florida meets the Phase 1 (Federal) plan of declining cases for 14 consecutive days, etc.

As members of the City Council, you essentially have two ways of making a mistake. One mistake is to open things later than you could have, causing harm to property owners and business owners and others that are impacted by reduced tourism to Destin. The other mistake is to open things too soon and risking lives of our citizens and our visitors alike. If things are opened too soon, there could be a subsequent "new wave" of infections requiring closing everything down again. I believe that mistake #2 is the far graver mistake. Waiting a little longer vs opening up too quickly is the most prudent choice. I would hope that you'd take a very cautious and measured approach to lifting beach restrictions.

Thank you for your consideration.

Greg Brooks
4724 Rendezvous Cove
Destin FL 32541

Rey Bailey

From: Aileen <cara1uk@aol.com>
Sent: Monday, April 27, 2020 9:28 AM
To: Rey Bailey
Subject: Comment for City of Destin meeting April 29th

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Aileen Stalvey
100 Gulf Shore Drive unit 205
Destin

I know many of our residents want our beaches open, my fear is this will be an invitation for non residents to flood here.

Everyday on Facebook I see questions posted are your beaches open? then all the comments "we are coming down", "we are healthy we want to go on the beach", "we will come there as we can't get our deposit back" etc etc

This weekend I saw boats lined up on the harbor side of Norriego point,



it was like party time and there was very little if any social distancing.



I saw a family with a cooler box walk across the closed Norriego parking lot, then set up for a few hours on the beach. I saw pictures of Osteen beach with people laying on the beach.



If this is the way our locals react now **what will it be like if we are flooded with visitors?**

I ask the City to wait to open the beach until they have a way of controlling and enforcing the rules in place. I feel we are giving our sheriff and codes officers an impossible task if we open up too soon as they could not stop these infringements this weekend.

Why not wait and see what happens in other areas before we open our beaches

Thanks
Aileen Stalvey

Rey Bailey

From: kristen snelling <kristenfulks@icloud.com>
Sent: Tuesday, April 28, 2020 2:31 PM
To: Rey Bailey
Subject: Comment for April 29 meeting

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Kristen lee

498 Tyler drive new Albany Indiana.

Please open the beach 24 hours with rules like Walton county! If we are social distancing and doing what we are told I don't see an issue. We had a death in the family and have a condo rented may 9 and it would be amazing to get down there to be with our single loved one who is alone during this loss. So it would mean the world to me and a lot of people to also lift the rental band!!

Sent from my iPhone