

**MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
APRIL 1, 2020
DESTIN CITY HALL
ANNEX COUNCIL CHAMBERS
3:00 PM**

The Council of the City of Destin met in special session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis
Councilmember Rodney Braden
Councilmember Cyron Marler
Councilmember Steven Menchel (Virtual)

Councilmember Prebble Ramswell
Councilmember Parker Destin
Councilmember Skip Overdier (Virtual)
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Information Manager Catherine Card
HR Manager Karen Jankowski
Parks/Recreation Director Lisa Firth
Community Dev. Director Louis Zunguze
Julio Lacayo, GSG, Inc.
Land Use Attorney Kimberly Kopp

Deputy City Manager Webb Warren
City Clerk Rey Bailey
Public Services Director Michael Burgess
Grants Manager Jeffery Cozadd
Code Compliance Manager Joey Forgione
City Attorney Kyle Bauman

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 3:00 PM; followed by the recitation of the Pledge of Allegiance.

NEW BUSINESS

1. PUBLIC COMMENTS

2. NEW BUSINESS

- A. Resolution 20-05 – Providing for Rules for the use of Communication Media Technology

The City Manager explained that adoption of this resolution would allow the City Council and the City's advisory boards and committees to conduct meetings through virtual means. The Council has a physical quorum present which will allow them to vote to adopt this resolution.

Councilmember Braden asked if the Council could also vote remotely if they pass the resolution.

According to the City Attorney, the resolution provides that votes would be taken by roll call to ensure an accurate count.

Councilmember Menchel requested the following language be added to Section 5 – *Public Participation* of proposed Resolution 20-05 as paragraph 9d:

- Allow the public to send in emails after the fact. Staff will forward emails to members of the Council. Staff could also modify the agenda packet to include materials from the public

The City Attorney agrees with Councilmember Menchel's recommendation.

Councilmember Destin moved to approve Resolution 20-05, as amended, to include recommendations from Councilmember Menchel and the City Attorney passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Resolution 20-06 – Ratifying the Declaration of State of Emergency and Extension Number 1 of the Declaration of State of Emergency

The City Attorney noted that extension number 1 is good through April 2nd. The plan moving forward and in accordance with Resolution 20-06 is to have the City Manager issue future extensions of the Declaration of State of Emergency, which must be done on a weekly basis, and bring the extensions to the City Council for ratification. He added the extensions would have to be ratified after the fact unless the Council wishes to start meeting every week.

Councilmember Braden stated he would favor meeting on a weekly basis to keep the business of the City moving and not have a huge backlog of work to be done.

According to the City Manager, they have things aligned so they could remain operational even though City facilities are closed to the public; and that he would not want to function contrary to CDC and State government guidelines by increasing the number of meetings.

Councilmember Ramswell remarked that being able to meet through virtual means should alleviate that concern.

The City Manager stated that at this time, someone would still need to be physically present at the meeting to manage the microphones to allow public participation.

Councilmember Ramswell recommends having some type of procedure where members of the public could call in their comments.

The City Attorney noted that by State Statutes, the proper procedure at this time is to provide a physical access point or location for the public to be able to address the Council.

Councilmember Destin recommends staying with their regularly scheduled meetings since they will always have the ability to call a special or emergency meeting if necessary.

Motion by Councilmember Marler, seconded by Councilmember Braden, to approve Resolution 20-06 passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

At this time, the City Attorney recommends the Council directs the City Manager to execute extension number 2 of the Declaration of State of Emergency and place that item on the April 6th meeting agenda for ratification by the Council. He also recommends that on April 6th, Council directs the City Manager to issue extension numbers 3 and 4 of the Declaration of State of Emergency and place the items on the subsequent meeting for ratification by Council.

Councilmember Destin moved to direct the City Manager to execute extension number 2 of the Declaration of State of Emergency and place the item on the April 6th meeting agenda for ratification by the Council; and at the April 6th meeting, Council will direct the City Manager to issue extension numbers 3 and 4 of the Declaration of State of Emergency and place the items on subsequent meeting for ratification by Council. Councilmember Marler provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Council Direction: Modifications to the Ordinance related to Declarations of Emergency

The City Manager requests direction from Council specifying desired modifications to the City of Destin ordinance pertaining to Emergency Management.

The City Attorney made the following recommendations:

- Amend the City of Destin ordinance pertaining to emergency management to clarify that it includes medical emergencies, such as the Coronavirus pandemic
- Amend the code to clarify that during medical emergencies, emergency power is vested to the Council in instances when they can meet and provide direction. In instances when Council cannot meet, the City Manager will have the emergency power

Councilmember Ramswell recommends using the term “public health threat” in lieu of “medical emergencies.” She also recommends the City Attorney reviews Okaloosa County Code Article 3, Section 9-41 for guidance as this section contains good and broad description on when the County could declare an emergency.

The City Attorney also recommends having a provision on enforcement mechanism.

Councilmember Destin moved to instruct the City Attorney to draft an amendment to the City of Destin ordinance pertaining to emergency management to include clarifying language on public health emergency, on vesting of emergency power in instances when Council is able to meet and when Council is unable to meet, and include a provision on enforcement mechanism; seconded by Councilmember Ramswell.

Councilmember Menchel suggests a verbiage be included on natural versus unnatural disaster.

It was the consensus of the Council to incorporate this language into the ordinance.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

3. CONSENT AGENDA

A. STR Application Deadline Extension

B. Government Services Group (GSG) Agreement

C. Election Services Agreement between the City of Destin and Okaloosa County Supervisor of Elections

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda items 3A thru 3C passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

4. COMMENTS FROM MAYOR AND CITY COUNCIL

There were some discussions relative to the type of items to include on the next meeting agenda.

The Mayor suggests delaying the public hearings if possible, in light of the current situation.

Councilmember Ramswell expressed some concern over having a huge backlog of ordinances they would have to consider and would prefer clearing some of them out of the system if they could provide the public the opportunity to participate in the process.

Councilmember Destin noted they are adding some provisions in their emergency management ordinance that would provide additional opportunity for the public to participate in the process. He continued there may be some ordinances where they anticipate significant public commentary that they could consider delaying; however, they need to keep business safely moving forward as much as possible.

Councilmember Braden noted that the Mayor sent a letter to the Governor in reference to the charter fishing fleet and signed it as Mayor of the City of Destin. The letter was not presented before the Council, but it seemed as though the Council approved the letter.

The City Attorney stated that he is not fully aware of the circumstances surrounding this issue, but if the Council has not approved the letter, the Mayor cannot send it on behalf of the Council.

The Mayor explained he did not send the letter on behalf of the Council; and that there was no mention of the Council's approval action in the letter. It did not have anything to do with the City of Destin government. He was merely representing the charter fishing industry, and that the letter talked about the Cares Act, SVA EIDL Program, and other programs that do not quite address the needs of the charter fishing industry. He continued that the Governor and Senator Rubio's staff asked him to put in writing the issues they have discussed on the phone regarding the shortcomings of these programs. Nevertheless, he would refrain from signing anything as Mayor unless he is representing the will of the Council.

According to Councilmember Destin, this is simply a procedural issue and not a question of content; adding that this Council would unequivocally support the fishing industry. He also believes there is going to be a lot of issues that would require the Mayor and Council's collaboration to make sure the fishermen are treated fairly. This could easily be resolved by simply bringing whatever letter need to be issued and send it out on a joint letterhead. He added he would personally recommend sending some letters out in support of commercial and charter fishermen on other matters.

Councilmember Ramswell noted that as elected officials, they wear so many roles that they just need to be careful not to coningle those roles especially on paper.

Next, Councilmember Ramswell complimented the Okaloosa County School District for going above and beyond the requirements by issuing such things as iBooks and computers to make sure the students have the right equipment in doing online education and giving the students some sense of a normal routine and not just simply closing down the schools for the rest of the year as other school districts have done.

Councilmember Menchel expressed his gratitude to City staff for all their hard work in setting this meeting up and allowing virtual participation.

5. PUBLIC COMMENTS

Ms. Marcie Bell, a Destin resident, begs the public to change their behaviors so they could get through this viral pandemic faster. She is asking everybody in the community, those who feel the need to come to this community or pass through this community to exercise better behavior at distancing. She then read the following statement from Dr. Deborah Burks at the White House briefing: *"It is the community that would do this. There is no magic bullet. There is no magic vaccine or therapy. It's just behaviors. Each of our behaviors translating into something that changes the course of this viral pandemic over the next 30 days."*

Ms. Bell also noted that she received several calls since the Governor issued his executive order to stay in place. They wanted to know who to call to report short-term rentals not in compliance with the executive order.

According to the Land Use Attorney, the Governor's Executive Order is effective for 14 days from March 27th. If they see short-term rentals not in compliance with the executive order, they will need to call the City's Code Compliance Department. The Code Compliance officers will then decide whether to handle the situation themselves or call the Sheriff's Office for assistance.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 3:47 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

