**MINUTES**
**SPECIAL MEETING**
**DESTIN CITY COUNCIL**
**MARCH 20, 2020**
**DESTIN CITY HALL**
**ANNEX COUNCIL CHAMBERS**
**8:00 AM**

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

**Destin City Council**

Mayor Pro Tem Prebble Ramswell
Councilmember Rodney Braden
Councilmember Cyron Marler
Councilmember Steven Menchel
Councilmember Parker Destin
Councilmember Skip Overdier
Councilmember Chatham Morgan

**Destin City Staff**

City Manager Lance Johnson
Public Information Manager Catherine Card
HR Manager Karen Jankowski
Parks/Recreation Director Lisa Firth
Building Official Noell Bell
Library Director Wen Livingston
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
IT Manager Matthew Pace
Krystal Strickland, GSG, Inc.
City Attorney Kyle Bauman

**CALL TO ORDER**

Mayor Pro Tem Prebble Ramswell called the meeting to order at 8:00 AM; followed by the recitation of the Pledge of Allegiance.

**NEW BUSINESS**

A. Okaloosa County Health Department – Presentation – Dr. Karen Chapman

Dr. Karen Chapman of the Okaloosa County Health Department warned that County health services could be overwhelmed if COVID-19 is not controlled soon. She stated that one way of controlling the virus is closing the beaches and bars and limiting access to restaurants. This could persuade the hundreds of spring breakers in the area to go home. Dr. Chapman provided the following statistical data and facts relating to COVID-19:

- March 4, 2020 – There were 158 cases of Coronavirus in the United States. There were 10,442 as of March 19th at 4:00 PM
- As of March 19th, the following states have reported community transmission of Coronavirus:
  - California
  - Colorado

- Illinois
- Iowa
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minnesota
- Mississippi
- Nebraska
- Georgia
- Nevada
- New Hampshire
- New Jersey
- New York
- Oregon
- South Carolina
- Tennessee
- Virginia
- Washington State
- Wyoming

- March 2, 2020 – There were two Coronavirus cases in Florida. There were 160 cases by March 17th, and 328 cases as of March 18th. There were 432 cases as of 6:00 PM on March 19th
- As of 6:00 PM on March 19th there were 9 reported cases in Northwest Florida; 5 in Okaloosa County (2 associated with travel in the US)
- This virus is a new pathogen for human beings. It was in some sort of animals, and it jumped from animal species to human
- Death rates:
  - Ages 60-69: 2-3%
  - Ages 70-79: 7-8%
  - Over 80: 14%
  - Higher death rates for people at any age with multiple chronic medical conditions
- March 1, 2020: Public Health Declaration of Emergency for Florida/executive order issued. The President declared a National Emergency
- March 9, 2020: Florida Governor issued a State of Emergency
  - Governor asked counties and cities and other agencies to cancel or suspend mass gathering
  - State government barred any non-essential travel for State employees
- State university system over for the semester. All will be done through tele education
- All K – 12 schools in Florida will resume school on-line effective March 23rd through April 15th
- Many large festivals and other events have shut down in Florida and nationwide
- Major league sports have shutdown
- Disneyland and its hotels are closed effective March 20th

- The Okaloosa Board of Commissioners declared a local state of emergency on March 17th. They closed the lobbies to all County buildings and the convention center, and revoked all permits through April 30th
- The Board implemented no non-essential travel for training

According to Dr. Chapman, the goal of stringent social distancing is reducing the number of people that are interacting with each other, thereby reducing the number of coronavirus cases, which is referred to as "flattening the curve." Local hospitals and nursing homes are seeking collection specimen kits, masks, and gowns. They are in competition, not with just parts of the State and nation, but with the world to get these supplies. She also stated there is no current medication for this virus, but they could mitigate its transmission between people if they intensely implement a stringent social distancing policy.

Councilmember Ramswell stated that swimming in salt water at the beach is healing, but it has been said that going to the beach and breathing the open air is not completely safe.

Dr. Chapman stated that walking on the beach does not put individuals at risk. What put them at risk is being out on the beach with a bunch of people. She also stated that beach waters are not healing for everybody. Salt water is a natural body of water that has organisms, and that there are risks associated with it.

Councilmember Menchel noted their number one priority is their residents. He stated that he conducted a review and contacted local hospitals in South Okaloosa area and learned there are approximately 65 ICU beds, and only 33 ventilators, which are not enough to cover their residents.

Councilmember Menchel asked if insects can transmit the disease to humans.

According to Dr. Chapman, the virus is not transmitted by insects.

Councilmember Menchel also asked if there could be an after the fact testing capability that would identify that a person had the virus, and that the virus went away without showing any symptoms at all.

Dr. Chapman noted there is a company currently developing an antibody test called IGM; which is a test that shows acute infection. Unfortunately, it takes several days for the IGM response to rise; and so, it would not be good as a point of care test which would allow diagnosis of someone presenting initially with symptom.

Councilmember Overdier asked at what point are people hospitalized.

Dr. Chapman replied that people are usually hospitalized when their symptoms are severe enough that they cannot stay home. For example, if they are dehydrated or having breathing difficulties where they would need IV fluids or breathing treatments. Once it gets to a point where they are unable to breath on their own, then they would need ICU care. She added that doctors can decide to hospitalize people that develop symptoms if they live alone.

Councilmember Overdier noted that the recommendation of federal agencies and other jurisdictions for limiting crowd sizes is to no more than 10 people in one place. He asked why 10 is significant when anyone of those 10 people could infect the others if they have the virus.

Dr. Chapman explained that the goal is to minimize contact; and that by limiting the interaction to smaller groups of people, and hopefully with people they know, that they are less likely to be exposed to the virus. However, rules are changing very quickly every day.

Councilmember Marler asked what extra precautions people with underlying conditions or chronic medical condition could take other than complete self-isolation.

According to Dr. Chapman, isolation in the home as much as possible is very important with people with chronic medical conditions; and that if they must go out for any reason, to try to do so early in the morning and stay away from other people as much as possible.

Councilmember Marler asked how long the virus can stay airborne.

Dr. Chapman stated there is a lot of unknown about this virus. Airborne spread is not believed to be a major driver of transmission based on available evidence. It is generally with droplet transmission when someone coughs or sneezes. That droplet is airborne for about 6 feet, which is why it is recommended allowing a 6 feet distance between people.

Councilmember Morgan asked if Dr. Chapman, in her medical opinion, feels it is best to close all beaches instead of just public beach accesses.

Dr. Chapman stated that as a public health professional, it is her job to provide the information for elected officials to make those kinds of tough decisions; but there is a desperate need to reduce social interactions.

Councilmember Ramswell asked if there has been any evidence this virus being transmitted from humans to animals, especially to family pets.

According to Dr. Chapman, there had not been much research done on this issue, however, the CDC recommends those who are sick with COVID-19 not to allow their pets to lick or kiss them.

The City Manager stated he is on a quandary as to whether to shutdown neighborhood parks that have amenities such as walking tracks and other things where residents could still get out get some exercise and take advantage of the fresh air.

Dr Chapman stated if they do not close the parks, they would need to have a way to manage the situation where they can limit the number of people going there and avoiding group activity in the parks.

Councilmember Ramswell asked if there is any truth to the notion that chorine in swimming pools could kill the virus making it safe for people to swim.

Dr. Chapman stated she has not seen chlorine in the list of chemicals that could kill emerging pathogen. Nevertheless, groups of people congregating in and around a swimming facility is to be avoided.

B. City's Preparations, Policies, Procedures and Action Plan Regarding COVID-19

The City Attorney explained there are 3 documents that have been provided to the Council. These are proposed Resolution 20-04 and draft copy of two of the City's internal operating instruction. The Council is being asked to vote to adopt proposed Resolution 20-04 which takes action that would effectively close all public beach and public beach accessways in the City of Destin. He continued that the Okaloosa County Board of Commissioners took a similar action on March 19th, but their declaration does not extend to City of Destin public beaches. The proposed resolution further revokes all recreational permits and reservations and provides certain procedures for future Council and other board and committee meetings.

Mayor Pro Tem announced she would allow public comments on this issue at this time.

Mr. Claude Perry, a Destin resident and business owner, urged the Council not to close the beaches; and to make a balanced judgement considering both the economic security as well as health security. He stated that closing the beaches would destroy their economy and put many people out of business and out of work.

Councilmember Morgan stated he is not willing to take the blame of destroying the economy by the decision this Council makes today because this situation is beyond their control; adding they could leave the beaches open and the economy would still be devastated.

Councilmember Menchel noted that Okaloosa County and Walton County have already closed their beaches, and if the City does not take any action, everybody would come to Destin.

Ms. Marcie Bell, a Destin resident, stated that she has always been dedicated to the health, safety and well being of all City residents; and that she has become the voice of the citizens when there was nothing coming from the City and County in terms of relief from the coronavirus pandemic. She noted that just prior to the start of this meeting, CBS had a new story about a young man from Vanderbilt University who contracted coronavirus while on spring break, which then prompted her to ask the following questions:

- Where was this student and any of his friends when they were on spring break between February 29th thru March 8th?
- Were they in Destin, ate at their restaurants and shopped at their grocery stores?
- Did any of them coughed or sneezed in the presence of other people?
- When are students from other big universities arriving in Destin?
- How many more weeks of spring break to they have ?

She also stated that according to County Commissioner Nathan Boyles, he cancelled his vacation to Colorado because he is a prudent traveler; but there are a lot of people that are not prudent traveler and are still travelling to Destin despite of the current situation. Even though they welcome tourists to Destin because a lot of people's livelihood depend on them, this is not the time

to welcome travelers. She continued that the City was closed following Hurricanes Opal in 1995 and Hurricane Ivan in 2004. Visitors did not come during the Deepwater Horizon Oil Spill because they were concerned about having oil on the beaches. The City survived, and that she truly believes they will also survive the dilemma they are currently facing. But the citizens need protection. If they only close the public beach accesses, they are leaving the private beaches opened to the condominiums and beach resorts in this area; and visitors will continue to come. She urged the City to close all beaches, public and private, and be the example for the entire State of Florida.

Ms. Bell also noted that the Blue Door is the only organization that is still helping the homeless, providing food, clothing and showers. She inquired of the City's plan for the citizens, including the homeless, when most services have closed. She continued that many of the homeless are those people who lost their jobs, and that there are a lot of families that are currently struggling. The Blue Door Ministry is currently asking for help with food donations and bus passes.

Mr. Ed Rogers, a Destin resident and business owner, stated that closing all the beaches in Destin is a tough decision for this Council; adding that the impact of this decision would be a lot harder financially for the business community than the health of the citizens. He noted that he owns two condominiums, and that they have had $17,000 worth of cancelations in 3 days. He also had over $50,000 worth of cancellations in his boat rental business. He does not expect to make any money this year unless they find a solution to their current situation by May. He continued that he has a responsibility to his employees, and that he may have to take out a loan to be able to keep them employed. He also stated he does not expect this Council to be able to do anything to remedy this situation; but he just wants them to keep the service industry in mind when they make their decision. He added that they pay livery fees; and since they may not be able to conduct any business this year, this Council could possibly consider refunding those fees.

Councilmember Menchel noted that he plans to ask City staff to look into the Triumph funding and determine if it could possibly impact some of the economic issues they are facing; and that he plans to discuss this later on in this meeting.

Having no further comments from the public, the Mayor Pro Tem turned the matter over to the Council for deliberation and action.

Considerable discussions followed regarding Resolution 20-04.

Councilmember Menchel noted that Resolution 20-04 is written strictly for the City's public beaches. He asked what action this Council could take if they want to consider all of the City's public and private beaches.

According to the City Attorney, the enforceability of the action taken related to all the beaches is still under legal review; adding that it would possibly result in litigation.

The Land Use Attorney stated that given the circumstances and the unique nature of the current situation, such an action is probably an option for this Council; however, there is no guarantee with regards to enforceability of such an action. The Council could either amend the language of the proposed resolution, or potentially call another special meeting to consider an

emergency ordinance to increase the enforceability. If they choose the latter, the Council could ask for voluntary compliance per the resolution until the emergency ordinance is enacted.

Councilmember Ramswell inquired as to the total length of all the private beaches in Destin.

Chief D'Agostino of the Destin Fire Control District noted that the length of all the private beaches is in excess of 5 miles or approximately 90 percent of all Destin beaches.

According to Councilmember Overdier, it would not be effective enough if they are only closing 10 percent of their beaches; adding they should close 100 percent of their beaches or nothing at all.

Councilmember Morgan noted that as a business owner, this decision will negatively impact his own business as well as the lives of his employees; but their decision should be in line with the recommendation from the experts in the medical field, the science field, and their elected officials at the highest level.

**Councilmember Morgan moved to close all public and private beaches in the City of Destin, and should the City learn it does not have the legal authority to close its private beaches, they should urge Florida Governor DeSantis to order their closing. Councilmember Menchel provided a second to the motion.**

Councilmember Marler asked how they could convey to the business owners that this decision is to their best interest if they want to be able to conduct business during the 100 days of summer; and if they could incorporate that into the motion on the floor.

According to the Land Use Attorney, they could start the process by passing the proposed resolution to include closing all public and private beaches. They would then ask for voluntary compliance from the private property owners. The Council could also direct staff to draft a correspondence to the Governor to encourage him to take further action with regards to private beaches throughout the State of Florida. At a future time, this Council could also consider adopting an emergency ordinance to add enforceability to the closure of all beaches in Destin.

Councilmember Morgan stated he would like his motion to stay as is and not incorporate the voluntary compliant language as he feels it would weaken his motion.

Councilmember Destin stated they need to take a strong stance and close all the beaches as it is the most prudent thing to do under the circumstances. Leaving private beaches open and relying on voluntary compliance from the property owners will almost guarantee that many of them will continue to invite guests for financial reasons, which is not conducive with promoting public safety.

Councilmember Morgan noted that he has read multiple emails from people who have saved up all year and booked a Destin vacation to enjoy its beaches but they are now dealing with many short term rental companies that are refusing to refund their money. They now face a dilemma whether to lose their money or to travel and go against the advice of people on the highest level of the government and jeopardize the health of the citizens in this community.

Councilmember Menchel emphasizes that the decision they make today is only temporary. It could change several days from now depending on the circumstances. He also pointed out that the number one priority in their strategic plan is their residents. Sacred Heart Hospital has 22 ICU beds, which are currently full; and that there are only 11 ventilators in the entire hospital. Other local hospitals are in similar situation; and so, it would be quite a challenge to take care of their residents if they come down with an illness. He added they are about to make a hard decision because whatever decision they make is not going to appease everyone.

Councilmember Marler asked if the motion they are trying to pass is enforceable.

Captain Nix of the Sheriff's Office stated that their stance would be to gain voluntary compliance before issuing any citation.

Councilmember Menchel asked whether some of the school resource officers can be directed to provide some assistance if more manpower is needed for enforcement.

Captain Nix stated it was part of the plan, however, the school system is going to be handing out equipment from their campuses for students to be able to stay home to do their schoolwork. The school resource officers will remain on campus until that process is complete.

Councilmember Ramswell asked who has the authority to close Norriego Point.

According to the City Attorney, the proposed resolution as drafted will give the City the ability to close Norriego Point.; adding that amending the motion to include striking the word "public" from section 2, paragraphs A,B and C, of the proposed resolution would be sufficient.

**Councilmember Morgan offered an amended motion to close all public and private beaches in the City of Destin, striking the word "public" and adding "public and private" in Section 2A, 2B and 2C of the proposed resolution. And should the City learn it does not have the legal authority to close its private beaches, that they urge Florida Governor DeSantis to order their closing. Councilmember Menchel provided a second to the motion.**

The Mayor Pro Tem recommends replacing the word "public" with the phrase "private and public" to avoid having any loophole in the resolution. She also suggests changing "universities closings" to "schools closings" since a lot of their children are not in universities or college. She also pointed out there are some typographical errors within the resolution.

The City Attorney stated that all errors will be corrected prior to execution of the resolution.

**The Mayor Pro Tem called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").**

Councilmember Menchel announced that he recently spoke with the Commander of Eglin Air Force Base, General Cain, to ascertain what he plans to do with their beaches. General Cain informed him that no one has contacted him about the beaches. His initial plan was to leave the beaches open with limited access; however, since all the other facilities are closing, they could end

up with a horde of people which is not an ideal scenario at this time. Councilmember Menchel asked staff to contact General Cain about the beaches.

Councilmember Menchel inquired about the City facility closure signage.

According to the City Manager, the signage they would use to close the facilities on the beach is already on hand.

Councilmember Destin suggests they encourage pharmacies and grocery stores to hold senior citizens only hour at the beginning of the workday when facilities are mostly clean to protect their vulnerable elderly citizens from exposure to the virus.

**Councilmember Destin moved to instruct the Mayor Pro Tem to send a letter to both corporate and local management of all locations of pharmacies and grocery stores within the City limits by the end of the day asking them to hold a 65 year and older only hour of operation at the beginning of the day; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").**

The Mayor Pro Tem asked City staff, and the City's Public Information Manager in particular, to put this information out on social media to raise awareness on this issue.

The Mayor Pro Tem inquired as to the Destin Fire Control District's plan for staffing the beaches based on the decision by this Council today.

Chief D'Agostino stated they plan to be at a normal staffing level for today but also realizing that things could change daily.

Councilmember Menchel recommends the City starts applying for Triumph funding to assist with the economic impact of the coronavirus in the community.

Councilmember Destin asks the City Manager to provide the development community a general synopsis on what they could expect from the Community Development Department in terms of their operation in the coming weeks.

According to the City Manager, the City's Community Development Department, along with the other departments, will operate under normal business hours until further notice. Lobby areas will be closed to the public for the time being; however, individuals needing assistance from the City can submit the information digitally and staff will process them promptly. Face to face meeting, if necessary, will be scheduled in advance.

The Mayor Pro Tem asks if the Sheriff's Department plans to remain in their standard level of operation or whether they need to increase the number of officers on patrol as a result of the current situation.

According to Captain Nix from the Sheriff's Department, they plan to keep the spring break detail, which is funded by the TDC, in place to assist with enforcement. Everything will depend on whether they will get voluntary compliance and how soon they will get voluntary compliance.

Councilmember Braden announced that the resolution the Council adopted tonight is effective through April 30th.

According to the City Attorney, the City Council has the prerogative to rescind or extend the resolution, if necessary

Next, the Mayor Pro Tem addressed the following two items on the agenda: Telecommuting Policy and Procedure and Communicable Diseases Policy.

The City Manager explained that staff is providing two draft operating instructions to Council for informational purposes only to make them aware that such internal policies exist. They will be updated accordingly as new information arises. He added these are administrative actions City Managers are allowed to take to protect staff and to sustain operations of the City. They do not need an official vote from the Council. They just want Council to review the materials and provide commentary.

The Mayor Pro Tem asks if City staff is considering implementing Skype for business so they could hold staff meetings virtually and continue the business of the City without everyone being in the office.

According to the City's Information Technology Manager, they have this function built-in within their Office 365 capabilities, to include the TEAMS function, which has been set up where they could have independent team sessions which allows for voice and video communications. It has been established and ready to use in the event they need to activate the telecommuting policy.

The Mayor Pro Tem inquired as to the number of salaried and hourly employees of the City, and those which might be negatively impacted as a result in the reduction of hours or office closures.

The City's Human Resources Manager noted that approximately a third of all City employees are salaried, and the rest are hourly workers. They have benefits and compensation within the Communicable Disease Policy as well as their Emergency Operations Policy which is similar to benefits and compensation they have used before during hurricane events. They are also waiting for legislation that may be coming down soon which could potentially include paid sick leave for full time and part-time employees.

Councilmember Menchel asked the City Attorney to address the Attorney General's opinion regarding public meeting laws and conducting public meetings during this pandemic.

According to the City Attorney, the Municipal Attorneys Association has requested opinions from the State Attorney General as to how they could conduct public meetings in a safe fashion during this pandemic. To date they have not received any guidance, and that they are still restrained by the Sunshine Law. Any meetings convened by the City Council must be done under the

Sunshine Law and allow the public to attend and comment. There are suggestions that Council must have a physical quorum present; but once that quorum is obtained, the remaining Council members could participate via telecommunication. However, all these are subject to some guidance from the Municipal Attorneys Association and the State Attorney General.

**PUBLIC COMMENTS:**

Jetty East General Manager Darell Fink informed the Council they have been severely impacted by the current situation and what the Council did today will help them to begin the healing process. He also stated they could not have had the beach restoration project without assistance from the City; adding that the City's action had saved not only the rental impact but also the ad valorem values, sales taxes and bed taxes that they remit.

Chief Sasser of the Destin Fire Control District stated they fully support the Council's decision and they will staff the beaches as appropriate.

Ms. Marcie Bell stated it was suggested to her the possibility of sending the workers on student visa home to provide job opportunities to citizens who are soon to be unemployed. She has also learned that Eglin beaches have been closed. There was also a question from the public as to when beach closure will take effect.

According to the City Manager, beach closure will take effect at sunup on Saturday, March 21st.

**ADJOURNMENT**

Having no further business at this time, the meeting was adjourned at 10:10 AM.

**Prebble Q. Ramswell**
**Mayor Pro Tem**

**ATTEST:**

**Rey Bailey, City Clerk**