

The Special Meeting of the City Council of the City of Panama City Beach, Florida, related to the COVID-19 Action Plan, held on July 15, 2020.

ROLL

MAYOR MARK SHELDON

COUNCILORS:

PAUL CASTO

PHIL CHESTER

GEOFF MCCONNELL

MICHAEL JARMAN

CITY MANAGER:

TONY O'ROURKE

INTERIM CITY CLERK:

JO SMITH

CITY ATTORNEY:

AMY MYERS

Mayor Sheldon called the meeting to order at 9:00 A.M.

Councilman Casto gave the invocation and led the Pledge of Allegiance.

Mayor Sheldon explained how Special Meetings were called, dealing with notices, and that three Council members may call a Special Meeting. For the record, he asked for a roll call vote on who called for this meeting:

Councilman Casto	Aye
Councilman Chester	Nay
Councilman McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Nay

Mayor Sheldon called for public comments from the floor and there were none.

SPECIAL MEETING- DISCUSSION/ACTION

ITEM 1 COVID-19 ACTION PLAN ADDITIONAL MITIGATION MEASURES. Ms. Myers read Emergency Ordinance 1533-E by title and gave a brief summary. She said masks or face coverings would be mandatory inside businesses with several exceptions. She explained the screening requirements and civil penalties.

Mayor Sheldon called for public comment.

1 Mr. Michael Steinkirchner. Mr. Steinkirchner said he supported businesses taking accountability. He reminded that government regulated commerce but also provided for the general welfare.

2 Mr. Burnie Thompson. Mr. Thompson said he thought masks should be voluntary and questioned who would enforce this Ordinance. He said it would be unenforceable because a person could not be forced to wear a mask if they said they could not for health reasons.

3 Mr. Shane Boyette. Mr. Boyette said he was concerned about his employees wearing masks outside but had no concerns on the requirement for their wearing masks inside.

4 Mr. Timothy Randall. Mr. Randall said he was concerned about health issues in wearing masks outside in the heat. He asked for masks to be encouraged, not mandated. He said this was an overreach by the government.

5 Mr. Hal Lacey. Mr. Lacey questioned the motives for this regulation. He spoke of this virus compared to the flu. He said social distancing was draconian and spoke of the occupancy rate in the hospitals.

6 Ms. Debbie Ward. Ms. Ward gave a brief synopsis of the emails she had received; numerous emails supported the masks being required, some opposed the masks, and some emails reported businesses with no social distancing.

With no further comments, the Mayor closed the comment section.

Mr. O'Rourke said the Council since March had taken measured steps related to the virus but the last few weeks had shown a significant spike in the number of cases. He said the CDC recommended masks and that most people would wear masks if the government required them. He said this was a valid option to protect the general public.

Councilman Casto said some people were not wearing masks and now Florida was #2 in the nation with the number of cases. He said the doctors were struggling with the patient volume, and he reminded that we did not have large hospitals, the ERs were full, and the doctors were overworked. He said the only option left was to wear a mask and he supported wearing the masks inside of businesses.

Councilman Chester said his major concern was enforcement. He said the public needed more education and there were many loopholes. He said our Police Department and Code Enforcement were already stretched. He said he did not know if this Ordinance was the answer because he could not see how it could be enforced. He suggested more education and signs, but when could they be made and when could they be installed. Ms. Myers said Staff had been working on preliminary drawings for signs.

Councilman McConnell said Gulf Coast Hospital had already stopped elective surgeries. He said he also had reservations about the enforcement and continued that the biggest help so far had been the social distancing. He suggested not singling out restaurants, but also include the stores such as Home Depot, Lowes, and Wal-Mart. He said most businesses were not social distancing at checkout. He said the 50% occupancy should be any business.

Councilman Jarman said he hoped the Council could come to an agreement to protect the general welfare since they were obligated to protect the residents, visitors and the employees. He said masks would help maintain the workforce and not have interrupted services. He continued that the Police Department was enforcing social distancing so enforcing the masks would work hand-in-hand. Councilman Jarman said this was part of the solution, but not an immediate effect. He agreed not singling out restaurants.

Mayor Sheldon said education was the better option. He said he was willing to wear a mask if asked, but not mandated. He said he had received numerous emails, that the Council cared more about money than lives. He said the Police Department could not enforce this Ordinance. The Mayor said he personally wore a mask because it was the right thing to do, but he was not a fan of a mandate. He said it was important to show the Council cared and that the last thing the City needed was to close the beach again. He said he worried about our First Responders. He agreed that the 50% should be extended to all businesses. But no mandate.

Discussion ensued concerning enforcement. Councilman Casto said this would be a burden on businesses. He spoke of going to the doctor and being required to wear a mask. He said the protection worked best when everyone wore a mask.

Councilman McConnell said the City could not afford another week without some action. He said he believed in a layered approach and understood the reason for mandatory masks. He spoke of the lack of data from the Health Department on the numbers of negative cases as well as the five day lag in receiving testing results. He said he worried that the City could not respond quickly enough with that lag. He said he did not support mandatory masks but was concerned about enforcement. He recommended removing the mandatory mask requirement. Mayor Sheldon said any business that had an employee case should close, such as Firefly.

Councilman McConnell said he agreed with the employees wearing masks, closing the loopholes, and reopening the bars that sold food. He said the Ordinance would need an enforcement mechanism and asked for common sense to be placed in the Ordinance. He also wanted 50% across the board, not merely restaurants.

Discussion ensued concerning restaurants, with most servers already wearing masks. Mayor Sheldon said it was critical to continually educate people with the social distancing the best aspect. Councilman Chester was concerned about checking IDs to be served alcohol if wearing a mask. Councilman Casto said he supported mandating the employees wear masks and recommend the public customers wear masks. Councilman McConnell supported social distancing at the checkout counters. Councilman Chester asked about the businesses in the unincorporated sections of the beach and if the discussion should be extended a few more days. Mayor Sheldon said it would be difficult for the businesses to be prepared so quickly. Councilman McConnell suggested the social distancing by Friday and the masks Monday.

Discussion ensued concerning the citation fees, with the suggestion making the fee higher at the second offense. Chief Whitman said he could not enforce public masks because the person could not be asked why they were not wearing the mask and his concern about the flood of calls into dispatch about people not wearing masks.

At this juncture, the Council called a short recess at 10:20 A.M. so that the attorneys could revise the language of the draft Ordinance. At 10:43 A.M., the Mayor reopened the meeting and Ms. Myers read the revised Emergency Ordinance 1533-E by title.

Councilman McConnell said this would apply to all businesses except hotels and condos. Ms. Myers clarified the effective dates. Councilman McConnell spoke of indoor amusements such as Rock It Lanes not being covered by the 50%. The other Councilors agreed that they should also be covered by the regulations.

For the effective date, Mr. O'Rourke recommended all Monday so that the entire weekend could be used for educating the public. He added that the Chamber could work with the City as there would be a lot of people to visit. Councilman McConnell suggested getting the Ordinance in place prior to the weekend because a full beach was expected. Councilman Casto agreed with Councilman McConnell. Mayor Sheldon said he wanted to see the draft signage so that it could be in place before the weekend.

Ms. Myers read the final version of Emergency Ordinance 1533-E by title. The Mayor asked if there were any further comments. There were none. **Councilman McConnell made the motion to approve Emergency Ordinance 1533-E. Second was by Councilman Jarman and the motion passed by the unanimous roll call vote recorded as follows:**

Councilman Casto	Aye
Councilman Chester	Aye
Councilman McConnell	Aye
Councilman Jarman	Aye
Mayor Sheldon	Aye

ITEM 2 OTHER ACTION NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE AGAINST THE SPREAD AND EFFECTS OF COVID-19.

Mayor Sheldon called for public comment from the floor.

1 Mr. Burnie Thompson. Mr. Thompson asked what time the Ordinance would take affect Monday. Mayor Sheldon replied 5:00 P.M. Mr. O'Rourke said he had nothing further to add.

With nothing further, the meeting was adjourned at 10:55 A.M.

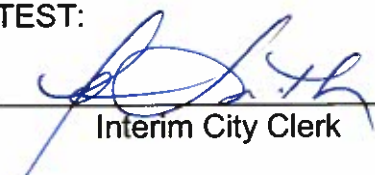
READ AND APPROVED this 28th of August, 2020.

IN THE EVENT OF A CONFLICT BETWEEN THE FOREGOING MINUTES AND A VERBATIM TRANSCRIPT OF THESE MINUTES, THE FOREGOING MINUTES SHALL CONTROL.



Mayor

ATTEST:



Interim City Clerk