CITY OF ST. AUGUSTINE

Emergency City Commission Meeting
Friday, June 26, 2020

The City Commission met by means of Communications Media Technology (CMT) Friday, June 26, 2020 at 9:30 A.M. The meeting was called to order by Mayor Tracy Upchurch, and the following were present:

1. Roll Call: Tracy Upchurch, Mayor/City Commissioner
Roxanne Horvath, City Commissioner
Nancy Sikes-Kline, City Commissioner
John Valdes, City Commissioner

Absent: Leanna S. A. Freeman, Vice Mayor/City Commissioner

Staff: John Regan, City Manager
Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk
Meredith Breidenstein, Assistant City Manager
Candice Seymour, Recording Secretary
Laura Morse, Recording Secretary
Marie Lopes, Office Assistant

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Upchurch delivered the invocation and led the Pledge of Allegiance.

3. Resolution 2020-23 amending Resolution 2020-13 to limit public comment during emergency meetings of the City Commission.

Mayor Upchurch reviewed the Resolution and restated 3 minutes was allowed during regular meetings for in-person comment, call-in or emails read into the record. He noted the following:

- Commission had ability to change the comment time for the purpose of an emergency meeting
- Should continue with practice of allowing 3 minutes for those in-person in the Alcazar Room
- Should limit call-in time to 1 minute, for the special meeting
- Since most e-mails received by the Commissioners and the City Clerk were duplicated, the City Clerk should provide a summary of those 'in favor' or 'not in favor' of the Resolution

Isabelle Lopez, City Attorney, noted the Resolution language was flexible, but did consider a shorter time-period for comment provided in-person, call-in or a summary of submitted emails; therefore, it was consistent with the language.

MOTION

Mayor Upchurch MOVED to approve Resolution 2020-23, providing for 3 minutes of in-person comment for those in the Alcazar Room, 1 minute for telephonic communications, and a summary by the City Clerk for submitted emails. The motion was SECONDED by Commissioner Horvath

and APPROVED BY UNANIMOUS VOICE VOTE.

4. Resolution 2020-22 mandating the use of face coverings indoors when social distancing is not possible.

John Regan, City Manager, reviewed the Resolution guidelines in conjunction with Administrative Order 2020-11.[1]

Mr. Regan discussed the factors that provoked the Resolution since the start of COVID-19:

- The City and the Commission had a position of strong encouragement
- City advocated for guidelines and created programs
- Purchased masks, completed cost recovery, and sold out in 4 to 5-day period
- 'Educate yourself and make the right decisions' had been ongoing theme for months
- Initial economic lockdown flattened the curve
- Phase 2 saw significant COVID-19 positive case increases both in Florida and St. Johns County
- KINSA thermometer program had a dense network, and in early June showed a high inflection of illness in St. Johns County, followed by an expected spike in some of the highest U.S. numbers from those communities using the KINSA program
- Face masks had become highly politicized into a red vs. blue matter; however, needed to review what the health experts said
- Center for Disease Control (CDC) was consistent on face mask usage
- On June 22, 2020, the Florida Surgeon General said all individuals in Florida should wear a face mask covering where social distancing was not available
- On June 19, 2020, the Florida Medical Association (FMA) urged local governments to issue orders to mandate mask wearing
- The Florida Academy of Family Physicians urged mask wearing
- Several renowned physicians in St. Johns County supported an indoor mask policy
- The City, St. Johns County and the nation's culture showed compliance by most people who would self-police with the issuance of a public health order
- An ABC news poll showed 9 of 10 Americans wore a face mask or covering, up 20% from last poll, compared to 11% that did not
- A Fox News poll showed 80% of the nation favorable to mask wearers
- 335 emails were received for public comment and 81% supported a mask policy mandate
- Public opinion was vital and assisted City with navigating the topic, which was the most controversial topic in the nation
- 14 cities and 10 counties in Florida approached the mask topic with the majority supporting mask wearing
- Criticism for outdoor mask mandates required a realistic approach based on health data, risk factors and risk assessment, as the outdoors did not present even half of the indoor risk assessment
- 'My cloth face covering protects you, your cloth face covering protects me' should be practiced

Commissioner Sikes-Kline requested to provide Tom Dolan, local business owner, additional time to speak during public comment, since Mr. Regan cited him as having knowledge and experience on the mask topic.

Public Comment was opened and the Commission heard from the following members of the public:

[1] Attached to Commission packet

In person:

- Janine Rainville
- Allen Keith O'Neal
- Ann Linder
- Matthew Gundelfinger
- Tom Reynolds
- Tom Dolan
- BJ Kalaidi

Via phone:

- Ed Slavin
- Melissa Fiorentino

Mayor Upchurch interrupted public comment and noted the one-minute timeframe was not sufficient; therefore, he requested the Commission's permission to allow callers the full three minutes.

There was Commission consensus to allow callers three minutes for public comment, and they heard from the following:

- Sarah Edwards
- Nick Noloboff
- Carolyn Smith
- Julie Watson
- Rita Baldwin
- Elizabeth Jennings
- Judith Laporte (inaudible)
- Mark Resco (inaudible)
- Christina Devoe (inaudible)
- Phil McDaniel
- Name not given
- Natalie Wheeler
- Katherine McAtee
- Inaudible (worked 34 Saragossa street)
- Sean Griffin
- Jerry Sanchez (inaudible)
- Rhonda McAtee
- Roseanne (no last name given)
- Name not given
- Name not given
- Inaudible
- Janice Stevens
- Linda Lang
- Kristen Thomas
- Name not given
- Name not given
- Kasondra Marcus
- Name not given
- Stephanie Giannini
- Alana Parham
- Name not given
- David Lee Sellers
- Tyra Timber (inaudible)
- Missy Bowser
- Shelly Winecoup (inaudible)

Mayor Upchurch halted public comment and requested the Clerk hold any further calls. He stated the following:

- Control of the meeting had been lost through no fault of anyone
- There was no ability to monitor the phone calls, prohibit someone from calling in multiple times, or know how many callers were holding
- Each person had a constitutional right for meeting participation; however, everyone was trapped in a difficult situation and all involved were trying to do the right thing
- Nature of CMT meetings was difficult, meeting was on a 'feedback' loop that could not be broken, and phone-in comment was not working in this realm

Mayor Upchurch suggested to adjourn the meeting and reconvene in the Alcazar room on Monday morning, June 29, 2020. He noted that social distancing guidelines were in place; therefore, discretionary for individuals who requested public comment.

Ms. Lopez noted the legal options available to the Commission for suspending public comment:

- Under Florida Chapter 286.0114, 3(a) public comment law, there was an exception stating 'requirements of public comment period do not apply to an official act that must be taken to deal with an emergency situation affecting the public health, welfare or safety if compliance with the requirements would cause an

unreasonable delay in the ability of the board or commission to act'
- Under the City Charter and State Statute, Mr. Regan had complete authority to issue administrative orders without the City Commission's input

The Commission discussed:

- Revert to the traditional form of in-person public comment, with Commissioners present
- Option for CMT meetings was extended through July 31, 2020 per Governor DeSantis'
- Since meeting was 'emergency', did not want to extend until Monday, June 29, 2020
- Two hours of public comment had been heard, not including over 300 emails, to be tallied as 'yes' or 'no' to the Resolution
- Had option to finish telephone comment and proceed forward
- Florida dashboard announced new COVID-19 numbers around 9,000 cases
- Department of Business and Professional Regulation (DBPR) had imposed an immediate statewide ban of alcohol consumption on premises at bars
- City Attorney had provided two legal options to stop the meeting

MOTION

Mayor Upchurch MOVED to pass Resolution 2020-22 based upon the current COVID-19 data which represented a dramatic increase or doubling of existing cases, and the Commission received two hours of public comment with an excess of 300 emails reviewed by staff; therefore, it was found an emergency, and using the provision cited by the City Attorney, that the Commission adopt the Resolution without further public comment. The motion was SECONDED by Commissioner Sike-Kline.

Darlene Galambos, City Clerk, read Vice-Mayor Leanna Freeman's statement on face masks into the record.[2]

The Commission continued discussion:

- Hand washing and social distancing were an important strategy and should be used with face coverings
- Many speakers were not City residents and the City was one municipality located in St. Johns County; therefore, advocates should also address concerns with City of St. Augustine Beach and St. Johns County Commissioners
- Postponed topic of extending the mask mandate to exterior areas such as St. George street where social distancing was not available

Mr. Regan clarified the intent of the meeting prior to the Commission's vote. He stated the nature of emergency orders and the Commission's trust placed in him was held dear, and he was extremely careful and judicious of his actions from those vested powers.

Mayor Upchurch expressed his gratitude for the work done by Ms. Lopez and Mr. Regan on the Resolution.

VOTE ON MOTION

AYES: Upchurch, Sikes-Kline, Horvath, Valdes
NAYES: None
MOTION APPROVED UNANIMOUSLY

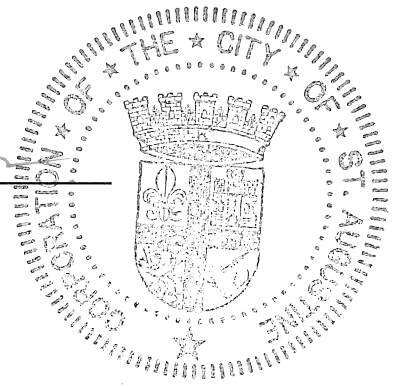
7. ADJOURN

Meeting adjourned at 11:45 A.M.[3]

[2] Attached to original minutes
[3] Transcribed by Laura Morse

T. W. Upchurch

Tracy Upchurch, MAYOR

Darlene Galambos

Darlene Galambos, CITY CLERK