

**Nassau County Board of County Commissioners
Special Session, July 2, 2020, 7:30 P.M.
Commission Chambers, 96135 Nassau Place, Yulee, Florida**

Call to Order

Commissioners:

Present: Pat Edwards

Present via Go To Meeting: Chairman Daniel B. Leeper, Commissioners Justin Taylor, Aaron C. Bell, and Thomas R. Ford.

Other Officials Present: Michael S. Mullin, County Attorney/County Manager; and Taco Pope, Assistant County Manager.

Staff Present: Peggy Snyder and Melissa Lucey, Deputy Clerks.

Official Agenda Summary:

SS200702 - 7:31:40 Mr. Mullin advised that if anyone watching this meeting online wished to have their comments read into the record, they can do so by e-mailing their comments to comments@nassaucountyfl.com. If a person wishes to be telephoned during this meeting, they can e-mail their contact information and topic for discussion to the same e-mail address. Voicemails may also be left at 904-530-6009 or 904-530-6100 and the call will be returned during this meeting. To watch this meeting remotely, a person can log onto the Clerk of Court's website www.nassauclerk.com.

SS200702 - 7:32:40 Mr. Mullin read the public comments received regarding the mandatory face coverings from the following citizens: Kristin Huben; Laura Tiffany; Jaime Bare; Autumn McCahill; Amanda Seidel; Al Vos; Lee Frazier; Doug Higginbotham; Ashley Taylor; Amy VanSickle; Jennifer McIntyre; Linda Roth; Tammy Czigan; Harold Bare; Steve Dooley; Sydney Borland; three (3) unidentified citizens

(left voice messages); Carol Cunningham; Devin Hardwick; and, Kendra Higginbotham.

COUNTY MANAGER BUSINESS:

SS200702 - 7:40:46 (Tab A) Approve and authorize the Chairman to sign Executive Order No. 16 regarding the mandatory wearing of face coverings.

Discussion: Mr. Mullin explained that the City of Fernandina Beach Commissioners adopted today an executive order; most of which was based upon Martin and St. Johns Counties. Following conversation with the City Commission, Mr. Mullin indicated that it was the board of County Commissioner's desire to have the County's Executive Order to be consistent with the City's. Prior to this special meeting, Mr. Mullin prepared Executive Order No. 16 for signature. Vice Chairman Edwards will sign this order in Chairman Leeper's absence. Mr. Mullin reviewed the order noting that it will closely monitor the City's order requiring the following:

1. Every operator, employee, customer, or patron, over the age of six (6), of the business establishment must wear a face mask or covering at all times while indoors at the establishment unless he or she is able to engage in social distancing or unless wearing a face mask or covering significantly interferes with the provision or receipt of goods or services offered or received at that establishment (i.e. patrons at a restaurant, clients at a barber shop or hair salon, patients at a dentist's office, etc.)
2. Public safety, fire, law enforcement and other life safety personnel are exempted from this requirement, as their personal protective equipment requirements will be governed by their respective agencies.
3. Every owner/manager of an establishment listed in Paragraph 1 would develop and implement a health and safety plan consistent with this Order requiring protective face coverings and CDC guidelines and to post the plan in at conspicuous location sufficient to provide notice to persons within the business of the requirements of the plan.
4. A face covering includes any coverings which snugly covers the nose and mouth, whether store bought or homemade, and which is secured in place. Persons who wear masks should review the CDC and Florida Department of Health (FDOH) guidelines regarding

- properly and safely applying, removing and cleaning masks.
5. This Order shall be effective 7:00 a.m. on July 3, 2020 and will expire thirty (30) days from the date below unless extended by subsequent order.
 6. This Order is an addition to the Executive Orders issued by Governor DeSantis.
 7. This Emergency Order shall be enforced pursuant to *Section 252.47, Florida Statutes*. Violation of this Emergency Order is punishable pursuant to *Section 252.50, Florida Statutes* as a misdemeanor of the second degree.
 8. When a customer of a business establishment asserts that he or she has a disability that prevents the individual from wearing a face mask or covering, the owner, manager, or employee of the business establishment may exclude the individual, even if they have a disability, as they pose a direct threat to the health and safety of employees and other customers, even if asymptomatic, and shall accommodate the disabled individual in a manner that does not fundamentally alter the operations of the business establishment nor jeopardize the health of that business's employees and other customers, such as providing curb service or delivery or other reasonable accommodation.
 9. This Order shall be filed in the Office of the Clerk of Court.

Mr. Mullin advised that the difference between the City's and County's order is that the County requires paragraph 3.

Regarding audience input, Dr. Chip Ross came forward to speak about the highly infectious Coronavirus Disease 2019 (COVID-19) virus, who it effects, and the potential long term side effects. He explained how face masks and social distancing greatly diminish the transmission of this disease. Chairman Leeper expressed concern why the State of Florida Surgeon General does not mandate the use of masks, merely recommends their use. Dr. Ross pointed out that hospital workers wear masks to prevent transmission of the disease.

SS200702 - 7:56:40 Mr. Mullin read the public comment received in favor of face coverings by Suzanne Batchelor.

Public input: Tammy Czigan came forward stated that she submitted an email prior to coming before the Board. She stated that her email provided a list of multiple articles that indicated that there is no definitive scientific evidence that using a face masks would prevent the transmission of COVID-19. She questioned if the Board has been provided any scientific evidence to prove that these face masks will prevent infection and does not cause any harm to the general public.

Discussion: Mr. Mullin responded to an inquiry from the Board advising that any violation of this Emergency Order is punishable pursuant to *Florida Statute 252.38*, as a misdemeanor of the second degree and would be enforced by the Sheriff's Department. He indicated that there are exemptions including medical reasons. Mr. Mullin clarified that the Executive Order is specifically to be applied while indoors of any business establishments. Commissioner Bell pointed out that the COVID-19 positive cases are spiking in Nassau County and that the Executive Order will be in effect for only 30 days. If the numbers do not drop by the end of the 30 days, he suggested that the Board reassess this issue. Commissioner Ford stated that he preferred the draft executive order that was presented to the Board last evening which strongly encouraged the general public to wear their masks and was not mandated but, whereas any business establishment it would be mandated that the employees wear the masks in order to protect the public. After a brief discussion, Mr. Mullin clarified that this Executive Order is strictly for inside business establishments and does not apply to outside. He explained that there are provisions that include the ability to remove masks while eating within a restaurant and when receiving certain services.

Motion: Approve authorization for the Vice Chairman to sign Executive Order No. 16.

Maker: Commissioner Edwards

Second: Commissioner Bell

Action: Aye: Commissioners Leeper, Bell, Edwards, Ford, and Taylor

Follow Up: County Manager

Noted: Public comments were received after the special meeting from Marcus Holley; Luz Weitzel; and, Sherry Gray.

There being no further business, the special session of the Nassau County Board of County Commissioners adjourned at 8:25 p.m.

Daniel B. Leeper, Chairman

Attest:

John A. Crawford, Ex-Officio Clerk