

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 4, 2021
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis

Councilmember Dewey Destin

Councilmember Terésa Hebert

Councilmember Johnny King

Councilmember Jim Bagby

Councilmember Prebble Ramswell

Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Deputy Code Compliance Director Kris Mercurio

Library Director Wen Livingston

IT Manager Matthew Pace

Community Dev. Director Louis Zunguze

Land Use Attorney Kim Kopp (virtual)

Deputy City Manager Webb Warren

Code Compliance Director Joey Forgione

Grants/Project Manager Jeffrey Cozadd

Public Works Director Michael Burgess

HR Manager Nichole DeVito

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 pm. Pastor Steve Farris of the First Baptist Church in Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Schmidt, to approve the agenda passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of August 30, 2021 Regular City Council Meeting

Councilmember Destin moved to approve minutes of August 30, 2021 Regular City Council Meeting; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

4. CITY MANAGER REPORTS

A. ADA Transition Plan for Pedestrian Facilities, authorization to execute a Task Order

The City Manager explained that an ADA Transition Plan with associated Implementation Plan and Schedule is needed to ensure that city pedestrian facilities are fully accessible to those with disabilities. In addition, this ADA Transition Plan will provide the city with the benefits of higher-ranking potential for any grant-funded transportation project.

Councilmember Hebert moved to authorize the City Manager to execute a Task Order with Baskerville-Donovan Engineering to perform those tasks identified in the Scope of Work and to provide the city with an ADA Transition Plan that is consistent with applicable federal law and FDOT requirements. Councilmember Destin provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

B. Resolution 21-03 - Paid Parking Fund

According to the Deputy City Manager, the City Council previously directed staff to bring forth a resolution to create a Paid Parking Special Revenue Fund with an effective date of October 1, 2021. Parking fee revenue has grown significantly over the past three years, primarily due to progressive expansion of paid parking areas. By designating a special paid parking fund, the City will ensure that paid parking fees are restricted and re-invested into parking infrastructure for their residents and visitors.

Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to adopt Resolution 21-03, and for staff to establish a special revenue fund for paid parking fees, passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

C. Resolution 21-14 - Resident Parking Pass Program

The City Manager noted that the paid parking system helped staff to minimize long-term parking in city parking spaces as well as create a revenue source for maintenance of existing parking lots and potential funding for future parking areas. These lots have regularly served as parking lots for visitors, residents as well as the workforce for various businesses in the harbor district. Council has previously directed staff to expand the system to beach parking area. The paid parking system in these areas has helped to drastically reduce short-term rental parking overflow that had previously resulted in long-term parking in public beach parking spots. Staff is proposing to add all city-operated paid parking lots, including the lots of Marler, Zerbe and the

Community Center, to be included for use with the full-time Destin resident parking pass program.

Councilmember Hebert moved to adopt Resolution 21-14, to be effective immediately; seconded by Councilmember King.

Councilmember Destin questioned the legality of charging everyone for parking except for a resident.

The City Attorney stated they could encounter some equal protection clause issues, but the courts system generally upheld this type of action.

Councilmember Bagby asked whether they have the infrastructure and resources in place to start this process immediately in the event hundreds of resident rush to city hall in large groups starting tomorrow to get their parking pass.

The Deputy City Manager noted they have a current inventory of stickers for beach parking, and if the council decides to enact this program immediately, he will propose to utilize the rest of their beach parking passes for the remainder of the year, and then roll it over into a new sticker on January 1st next year. He would also work with the City's Public Information Manager and come up with a concise message for the citizens, so they know exactly what to expect.

Councilmember Destin asked whether employees who work on the harbor and who are resident could obtain a parking pass and park in a parking lot without having to pay; to which the City Manager replied affirmatively.

Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

D. Announcements

1) Library Technology Upgrades

Library Director Wen Livingston discussed the new enhancements that have been made to the Destin Library.

2) Undergrounding Update

Grants/Projects Manager Jeff Cozadd provided a brief update on the upcoming meeting between the City of Destin and their electric utility undergrounding consultant, Utility Consultants of Florida, which is scheduled for Wednesday, October 13th. He stated that Mr. Schef Wright, the city's undergrounding consultant, and Councilmember Destin will both be attending the meeting.

The City Manager stated that they may have to schedule a special meeting before the end of the month of October to bring the proposed franchise agreement along with the addendum for the undergrounding information to the council.

After a brief discussion, the council agreed to schedule a Special City Council Meeting on Thursday, October 21st, to discuss the franchise agreement with Gulf Power, along with the addendum that would include the undergrounding information.

5. PUBLIC HEARINGS

6. CONSENT AGENDA

- A. 2022 Okaloosa County Public Library Cooperative Interlocal Agreement
- B. Regimental Military Intelligence Battalion (RMIB), 75TH Ranger Regiment Training Exercise – November 29 - December 12, 2021
- C. Resolution 21-15 Request approval for contract extension for the Independence Day Fireworks Display- Continuing Services Contract with Pyro Shows, Inc.
- D. Legion Drive at Main Street, Stormwater/Pavement Repair, authorization to execute a task order
- E. Property & Casualty Insurance Renewals FY22
- F. Board & Committee Minutes

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A thru 6F, as printed above, passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY

- A. Councilmember Braden
- B. Councilmember Ramswell
 - 1) Parks and Parking Codes

The Land Use Attorney noted she had previously spoken with both Councilmember Ramswell and the Community Development Director about this matter. The current parking requirement for formally designated city parks is one space per 5000 square feet of space. If the council feels this is something that needs to be amended, they could bring back a proposed ordinance for council consideration. She added that staff is already looking at it in connection with the ongoing code rewrite.

Councilmember Ramswell asked whether the parking requirement would apply to the city's rights-of-way and potential access points which are not considered a park.

According to the Land Use Attorney, the parking requirement would not apply to areas that are not city parks.

Councilmember Ramswell asked whether parks already in place when they established the one space per 5000 square feet will be grandfathered and would not be held to the new standard if they were to change it.

The Land Use Attorney stated they would have to be consistent with any grant requirements to the extent a park is constructed with the state or federal funding. Otherwise, they could reevaluate requirements at their own parks.

Councilmember Bagby stated that if they were to change the parking requirement, they should differentiate between a community park and a neighborhood/pocket park; identifying requirements for community parks and minimal to none for neighborhood/pocket parks.

Next, Councilmember Ramswell reported receiving a call from one of the Destin firemen expressing concern about the several accidents and near accidents on Airport Road where they have a mid-street crosswalk with no lights or signage. One driver would stop to let a pedestrian walk through while another impatient driver would switch lane and go through.

Public Works Director Michael Burgess stated they had submitted a workorder for placement of additional “*Stop For Pedestrians in Crosswalk*” signs at each of the 4 crosswalks on Airport Road. Also, current plan is to put striping, refresh existing signage, and place additional signage at each one of the crosswalks. In addition, the city has been in discussions with Gulf Power to change out the lighting on Airport Road from the orange sodium lights to a brighter LED fixture.

Council members Ramswell and Bagby recommend placing the solar powered flashing lights on crosswalks similar to those that are in front of City Hall

Councilmember Destin stated that flashing lights could be quite expensive.

Councilmember Destin moved to direct the City Manager to instruct staff to bring back the costs for installing the flashing lights for council’s approval before going forward with the plan; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

Finally, Councilmember Ramswell requests the following item be added to a future agenda for discussion: *Compatibility between city and county’s ordinances and regulations*. With regards to the county’s plan to increase the maximum intensity, floor area ratio, and maximum building height for areas directly adjacent to residential zoned properties, Councilmember Ramswell asked staff to work with the county to come up with some sort of interlocal agreement to try to find a middle ground agreeable to both parties.

Councilmember Schmidt noted the city has a Joint Planning Agreement with the county, and so the county should have advised the city before moving forward with this plan.

The Land Use Attorney stated that the city has an existing Joint Planning Agreement with the county, and so they could certainly work with the county to expand on the existing agreement, or the city council could direct staff to come back with a resolution explaining the city's position to the county with regards to adjoining areas as Councilmember Ramswell suggested.

Councilmember Bagby recommends staff determines how many and which parcels that connect to the City of Destin will be affected by the county's action; and that, if necessary, he would prefer negotiating with the county on expanding the existing Joint Planning Agreement.

C. Councilmember Destin

D. Councilmember Bagby

1) Staff Reporting Matrix

Councilmember Bagby recommends staff stops publishing the weekly task tracking report to the council, as he considers it a City Manager tool as opposed to a council tool. He would prefer bringing back the staff reporting matrix which include but not limited to the following:

- Monthly Financial Report
- Monthly updates from the TDC
- Quarterly HR Report
- Quarterly Investment Report
- Quarterly Legal Report
- Quarterly Library Report

He also stated that he will work with the City Manager to develop the matrix, and bring it back to council for approval, possibly by the first meeting in November.

E. Councilmember Hebert

1) Beach Flag Ordinance

Councilmember Hebert recommends amending the city's beach flag ordinance to resemble the county's beach flag ordinance for ease of enforcement by the Sheriff's Department.

2) Aquatic center landscaping

Councilmember Hebert announced that Aquatic Center is designating the first Sunday of each month as "Community Service Sunday", inviting groups and individuals to take that opportunity to come to the Aquatic Center in Destin to work on landscape care projects.

3) Emerald Coast Transportation Symposium - November 4-5, 2021

Councilmember Hebert noted that an Emerald Coast Transportation Symposium is scheduled for November 4th and 5th, and that it would be beneficial for a member of the TPO

Committee to attend. As the primary TPO representative, she will not be able to attend due to a scheduling conflict, but she is urging either the other primary representative or alternate representative to make an effort to attend.

Mayor Jarvis agreed to attend the symposium.

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt asked whether staff confirms during the review process that the applicant has the right number of available docks for all their vessels prior to approving the application.

Code Compliance Director Joey Forgione explained that the applicant is required to submit a submerged land lease, however, they only verify that the applicant has enough vehicle parking based on the number of boats for which they are authorized.

The City Manager noted that verifying physical parking for vehicles is currently included in the review process but reviewing the actual dock requirement is not.

According to the Land Use Attorney, there is currently nothing in the code requiring certain number of slips per vessel, and so it is not currently part of the review process. However, if the council wants to make that change to the code prior to the result of the Harbor Capacity Study, then they could direct staff to do so.

Community Development Director Louis Zunguze opined that the Harbor Capacity Study is key to providing the rationale for the change.

Councilmember Destin noted that the submerged land lease attached to the property should state whether pontoon boats are allowed in that property. If they violate the submerged land lease, the State of Florida will have the ability to pull it.

Councilmember Bagby added that the submerged land lease indicates whether pontoon boats are allowed on the property; and if so, the number of vessels allowed on the property. The applicant would then be approved for that amount. He added they should not have to wait for the result of the Harbor Capacity Study which will not come out until after the close of the application period for next season.

According to the Land Use Attorney, the city actually regulates the number of vessels, and staff reviews the submerged land lease and not issue the license if the applicant is not in compliance with their submerged land lease. She continued that Councilmember Schmidt's question involves the number of slips versus the number of vessels. There is currently no code requirement for a certain number of slips. It would be up to council to make that a code requirement. She would recommend waiting for the result of the Harbor Capacity Study before taking any legislative action so that they could make the change holistically rather than the

piecemeal approach. They could also come back to council with ideas for how a slips requirement could be calculated then council could decide which option they prefer. However, it is the council's prerogative to address it earlier.

Councilmember Destin noted that copies of all submerged land leases are available online, in addition to requiring the applicant to submit one. They could just simply review the submerged land lease to determine if certain operation is allowed. They could also amend the code to add a provision that if they do not have permission from the State of Florida in the form of a submerged land lease, then they cannot obtain the license to operate.

The mayor stated that there is a difference between commercial entities and transients. People are abusing the transient slips to be able to put more boats than allowed, and that it is a loophole that needs to be addressed.

The Land Use Attorney noted that the transient issue is already addressed in the code, and that it is currently enforceable to stop boats from being in the transient slips for more than 6 hours at a time. If the council wants, they could further clarify it and come back with suggestions to help code enforcement.

The mayor recommends Mr. Forgiione provides a report to council on any issues his department would like for the council to address and place it on the agenda under City Manager's Report before the registration opens on November 1st.

H. Mayor Gay Jarvis

1) 2021 City Manager Evaluation Process

The mayor noted they are currently operating under a 2013 resolution for the City Manager's evaluation process, which is quite cumbersome and complex and needs to be updated to make it simpler. Currently, he gets all the reports from the council, summarize them, and then make recommendations to council with regards to pay raise.

Councilmember Bagby stated they have not been too pleased with the evaluation process. They have the same problems with it now as they had in the past. However, if they decide to make a change, he recommends keeping the flowchart as it allows the City Manager to suggest his objective for the year and allows the City Council to approve or modify those objectives. He also stated that the critical part of the process, which is the evaluation form, needs to be updated and recommends modeling it on best practices in businesses, and providing an interim review prior to the annual review to the City Manager.

According to the Deputy City Manager, he has been reevaluating the process with the Human Resources Manager. They have received several city manager evaluation samples from other municipalities, which seem more simplified than what they currently have in place. They plan to reach out further into other Florida organizations to obtain more samples. He also emphasized the importance of the evaluation process being in alignment with their strategic planning process which is adopted by the council as it is their focus point from the organizational planning standpoint. It is a very important component of the evaluation process.

Councilmember Schmidt stated that the evaluation form is quite lengthy, however, the majority of the items listed was tied to the strategic goals of the city back in 2013. He stated that he agrees with the importance of keeping the strategic goals in the evaluation process.

Councilmember Destin stated that the City Manager, along with the city attorneys, are in a quite unique position as they serve at the pleasure of the council. He stated that he disagrees with the practice of submitting all the evaluation reports to the mayor, who then reviews them and make recommendations to council with regards to pay raise for the City Manager; adding it may be considered as polling which violates the Sunshine Law. He would prefer council members having individual meetings with the City Manager, and any one of them can then make a motion with regards to a raise at any time during a public meeting.

The City Attorney opined that the current process does not necessarily violates the Sunshine Law, but he recommends the city council adopting a more transparent process.

Councilmember Bagby noted the current process is borne out by best practices from the League of Cities and the Sterling Process in 2013. He recommends going back to those two organizations for best practices besides other municipalities and Florida organizations.

Councilmember Destin moved to direct the City Attorney to work with city staff and bring back some recommendations on how to make the City Manager Evaluation Process more transparent and not violate the Sunshine Law; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

I. Land Use Attorney

1) Tour Helicopters - Destin Airport

The Land Use Attorney noted she has previously discussed this matter with individual council members, and she is asking for some direction to delay the creation of a city ordinance regulating the helicopter tours at the Destin Airport given some changes since that direction was given by the council.

Councilmember Destin moved to postpone proceeding with the ordinance process regulating air tour helicopters at the Destin Airport; seconded by Councilmember Hebert.

Councilmember Schmidt noted that the direction previously given by the council was to simply update a table in the Land Development Code. They have citizens that have expressed their interest in regulating some of the activities in the airport. They should not allow the county to dictate what action this city should or should not take. He recommends moving forward with the ordinance as previously directed by the council.

According to the Land Use Attorney, the county is not asking the city to delay anything. Since the direction was given by the city, there had been an 8-figure litigation filed against individuals and local governments. This could put the city at a serious legal risk of very expensive litigation. It is her opinion that the city does not have to be embroiled in that litigation

at this time as it has very high risk and very little benefit to the city. However, it is the council's prerogative to weigh the risks to the city and make a legislative decision as to whether those risks are outweighed by the benefit to the city.

Councilmember Ramswell stated that this decision is quite bothersome to her as she lives near the airport, and that it has been quite an awful experience for her during the summer. She stated that the city is in charge of zoning certain areas for zoning uses. One of the uses is aircraft and helicopters and so forth. However, in this case, since this is a federal airport, the FAA actually has the jurisdiction over things such as flight frequency and noise decibels. Though she would like this council to take action, she understands the distinction between what the city can technically do as a city and what the FAA is responsible for in this case.

Councilmember Bagby stated that he has not met anyone who likes the helicopters aside from the owner/applicant. However, they have a fiduciary responsibility to do things that protects the city from being sued. Unless the Land Use Attorney states that they could regulate helicopter flight activities on the airport, they would need to work with the county to get them to issue that restriction.

Councilmember Schmidt stated that he does not see the risk of making the change now since they are not breaking any laws by doing so.

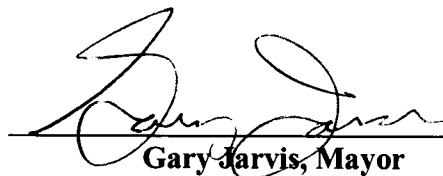
The mayor called for a vote on the motion, which passes 5-1 (Council members King, Hebert, Bagby, Destin, and Ramswell voted "yes"; Councilmember Schmidt voted "no"; Councilmember Braden was absent from the meeting).

J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:04 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk