

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
SEPTEMBER 7, 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 Kevin Schmidt  
Councilmember Jim Bagby  
Councilmember Prebble Ramswell  
Councilmember Rodney Braden

**Destin City Staff**

City Manager Lance Johnson  
City Clerk Rey Bailey  
Public Services Director Michael Burgess  
Grants/Project Manager Jeffrey Cozadd  
Parks & Recreation Director Lisa Firth  
Building Official Noelle Bell  
Comm. Dev. Director Louis Zunguze  
Finance Director Krystal Strickland  
Land Use Attorney Kimberly Kopp (Virtual)

Library Director Wen Livingston  
Public Information Manager Catherine Card  
Engineering Assistant II Joe Bodi  
Principal Planner Steve O'Connor  
City Engineer Donald Smith  
Planner Daniel Butler  
Stormwater Manager Traci Goodhart  
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 David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

The City Manager requests agenda item 4G1 - *Capt. Royal Melvin Heritage Park Update* – be placed ahead of item 4A under CITY MANAGER REPORT section of the agenda.

**Motion by Councilmember Braden, seconded by Councilmember Destin, to approve the agenda, as amended, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).**

**1. APPROVAL OF MINUTES**

A. Approval of minutes of August 2, 2021 Regular City Council Meeting

**Councilmember Hebert moved for approval of minutes of August 2, 2021 Regular City Council Meeting; seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

**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. Capt. Royal Melvin Heritage Park - Update**

The City Manager announced that city staff has met with Mr. Bill Garvey and Mr. Joe Garvey of GLC Contracting Inc., the contractor for Capt. Royal Melvin Heritage Park, and discussed the condition of the restroom walls, which is an issue they were trying to mitigate. Mr. Mike Buckingham also met with Mr. Bill Garvey and his superintendent on site and discussed the problems. He stated they tried to deal with them in good faith until they threatened to seek litigation on this issue. He also stated that the engineer of record for the project will issue a formal letter of recommendations on possible solutions to the problem, and then they could move forward based on that information. He added that with the imminent departure of the current City Engineer, they plan to engage the engineer of record to assist the city with conducting two monthly inspections and verify the billings that will be submitted.

According to Mr. Mike Buckingham, the project manager, they have decided to contact the engineer and architect of record as well as the civil engineer of record for the project to request issuance of a letter of recommendations, based upon specifications and industry standards, and the type of visuals the city wants, because they were unable to come up with an agreement with the contractor. He also noted there are specifications for the entire project and that hhe went over them with the city's Building Official. The only thing that was not included in the specifications was the specifications on the epoxy paint that will be used on the inside portion of the bathroom walls.

Councilmember King stated that he reviewed the entire plan and did not see any specifications on the restroom drain. He asked if there was an agreed upon resolution with regards to the sloping of the drain.

Mr. Buckingham stated that according to Mr. Bill Garvey, the drain issue is under control and that they will take care of it and make sure the bathroom floor is drained property.

**B. TDD Expansion Update**

Special Counsel Jeff Burns provided an update on the status of the ongoing TDD expansion negotiations. He reported that the Okaloosa County Board of Commissioners has voted earlier today to formally submit a counteroffer to the offer previously made by the

municipalities – Destin, Crestview, Mary Esther, and Fort Walton Beach; and that he sent this document via email to the council prior to tonight's meeting. He stated that the general terms in the counteroffer was for a 20-year term rather than the 28 year term the City of Destin offered last week. The "Force Majeure" provision has been extensively word smithed and discussed during the Board meeting. The commissioners were very amenable to the "Force Majeure" to the point where all the attorneys were quite comfortable with the language. The percentage of the money the City of Destin will receive for the next 20-28 years (depending on the final term of the agreement) will remain at 48.5 percent of the 12.5 percent of TDC allocated revenues.

Mr. Burns also noted there were some confusions among the commissioners and other county staff members about the guaranteed elected official position in the TDC Board. They were not aware that the City of Destin and the City of Fort Walton Beach have reached an informal agreement whereby the City of Fort Walton Beach would be willing to give up their guaranteed seat if they could appoint someone, not necessarily an elected official, to the Board. It could be a businessman, or a Fort Walton Beach resident tied in the tourism industry. The commissioners did not vote to approve the makeup of the board or the ordinance itself. They tabled that discussion to the meeting tomorrow, September 8<sup>th</sup>. The municipalities will have the power to vote on this issue tomorrow.

Councilmember Ramswell pointed out that the "Force Majeure" paragraph, which reads, *"If the county experiences a catastrophic event such as, but not limited to, acts of God, natural disaster, disease, epidemics, pandemics, war, terrorist acts, riots, or other causes beyond the control of the county, and a state of emergency is declared by the Board of County Commissioners, Governor, or President, the 12.5% allocation to the municipalities may be reduced or suspended as necessary to respond to such event."* She asked how the parameter for a catastrophic event is being defined, and whether there is a certain threshold that has to be made. She also noted that the language does not address a state of emergency by a city, but only by the Board and higher entity.

The City Attorney opined that local governments, both cities and counties, generally have a specific emergency management provision in their code. The City of Destin, for instance, will only have the ability to declare a state of emergency in the event of certain catastrophes. The Board of County Commissioners may have certain similar parameters.

According to Mr. Burns, the Governor and the President will not call a state of emergency haphazardly because there are major legal ramifications across the board. He will research the legal ramification, if any, with the Board of County Commissioners declaring a state of emergency and provide that information to the council prior to tomorrow's meeting with the county.

Councilmember Ramswell pointed out that the 12.5 percent allocations to the municipalities by the county equates to 12.5 percent of any amount of revenue, whether it be \$24 million or less. She asked why suspension is even being considered when the county may still have some revenues coming in regardless of any catastrophic event.

Mr. Burns noted that he advocated for the removal of this clause, and that it was one of the points that was discussed during the meeting. However, it is still part of the county's counteroffer to the cities, and they could bring it up again at tomorrow's meeting.

C. Schedule of Fees Resolution 21-11

**Councilmember Hebert moved for approval and adoption of Resolution 21-11, Schedule of Fees, as presented; seconded by Councilmember Bagby.**

Councilmember Schmidt asked whether staff have looked at the code violations and Special Magistrate fees.

The Finance Director Krystal Strickland explained that the primary reason they brought the schedule of fees to the council at this time was to get the Destin Library on to the same schedule as to the rest of Okaloosa County libraries. Staff have not looked at the code enforcement and Special Magistrate fees.

The City Attorney noted they have included a provision in the resolution that would allow the council to amend the schedule of fees throughout the course of the fiscal year; adding this resolution can be amended by another resolution.

Councilmember Schmidt noted that the vacated right-of-way and major development fees were also updated.

The Community Development Director Louis Zunguze explained that the major development fee is the current fee and not an increase. It is a correction of what should have been in the schedule. It will also be part of the discussion they will have shortly regarding the overall course of doing business in the city under the building elements in the code. With respect to the right-of-way fees, they have had a situation where it remained very low for a number of years, and that based on the amount of time city staff spends providing the service, they feel that raising the fee from \$500 to \$2,500 would be a fair adjustment.

Councilmember Schmidt asked whether it would be fair to double the code violations and Special Magistrate fees based on the theory that code enforcement is one of the city's most strenuous departments; adding that a lot of times, business owners do not really care much about the fees.

The Land Use Attorney noted that Special Magistrate fines are set by state statutes. The Special Magistrate can impose a daily fine of up to \$250 per violation, and up to \$500 a day for a repeat violation. The council can increase the fees for certain citations in the code as well as the administrative fee for cases brought before the Special Magistrate.



Councilmember Bagby requests that staff bring back a new fee schedule showing revenue neutral and staff's proposed track changes to it within the next 6 months (by March 2022).

**Having no further discussions, the mayor called for a vote on the motion on the floor, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

#### D. Stormwater Master Plan - Update

Mr. Zunguze noted that city staff previously presented to the city council the 2004 Stormwater Master Plan update. At the conclusion of the presentation, the council directed staff to prioritize the list of projects based upon the level of service established under the 2004 Stormwater Master Plan.

Stormwater Specialist Tracy Goodhart provided the following presentation.

#### STORMWATER MASTER PLAN UPDATE

August 17, 2020 – Staff presented to the City Council the 2004 Stormwater Master Plan Update. The update provided the following:

- Redefined drainage basins and flow rates
  - LIDAR and 2002 FEMA FIRMS
- Proposed list of projects and mitigation strategies
- Policy recommendations related to stormwater and flood control
- The update included a total of 12 individual projects & 1 Drainage Basin Study

City Council directed staff to prioritize the list of projects based upon the Level of Service (LOS) established under the 2004 Stormwater Master Plan (SWMP).

## **The projects were prioritized based upon the following:**

- Public Safety, Health, and Welfare Concerns
  - Level of flooding risk to public safety, utilities, and potable water supplies
- Hazard Potential
  - Level of flooding experienced by structures, property, and roadways
- Economics Impacts
  - Residential or Commercial land that is flooded to a point where damage creates an economic impact to property owner.
- Water Quality Impacts
  - Level of flooding that proposes a risk to the Harbor and surrounding waterways
- Jurisdictional Compliance
  - Locations where stormwater facilities do not meet the City's LDC design criteria.

One (1) drainage basin study was proposed for the Indian Bayou Subdivision. Upon further observation, City staff suggests including two (2) other study areas:

- Kelly Addition Subdivision Area
  - Mitigate Flooding and protect water quality
- Harbor Waterfront
  - Improve water quality

Twelve (12) projects were identified and two (2) were removed:

- Quail Run – Private Infrastructure
- Trista Terrace – City portion is completed

Upon further observation, City staff suggests including one (1) additional project:

- Eagles Landing Subdivision

**Identified Study Areas:**

- Indian Bayou/ Indian Lakes Subdivision
  - Flooding & Water Quality Concerns
- Kelly Addition (Second & Third Street Area)
  - Flooding & Water Quality Concerns
- The Destin Harbor
  - Water Quality Concerns

Projects identified within these areas would be potential candidates for Capital Improvement Projects (CIP), continuing contract services, and/or grant funding.

1. Diamonds Lakes (Indian Bayou) – LOS E
2. First & Second Street – LOS E
3. Four Prong Lake – LOS D
4. Zerbe Street – LOS D
5. Eagles Landing – LOS D
6. Cross Street – LOS D
7. Matthew & Scenic Hwy – LOS D
8. Reddin Brunson – LOS D
9. Burning Tree – LOS C
10. Main Street & 98 Palms – LOS C
11. Heritage Run – LOS B

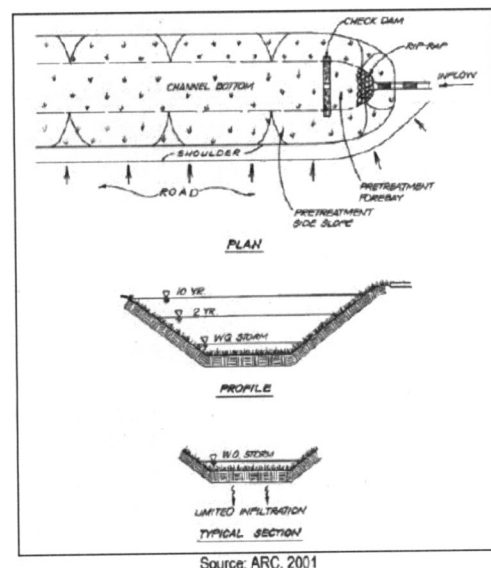
| Level of Service Classification |                         |
|---------------------------------|-------------------------|
| A                               | Excellent               |
| B                               | Above Average           |
| C                               | Average / Acceptable    |
| D                               | Below Average           |
| E                               | Significantly Deficient |
| F                               | Non-functional          |

## Stormwater Infrastructure Maintenance Plan:

- City-wide Swale Initiative
  - Public Education
  - Reconstruction and stabilization of existing roadside swales
  - Construction of new swales, where needed
  - Maintain NPDES compliance

## Future Stormwater Master Plan Updates:

- Establish revolving 5-year review and update
- Coincide with NPDES permit renewal
- Planning tool to secure funding



Councilmember Ramswell requests staff search for any records of a storm water master plan which she believes has already been approved, and with funds already allocated, several years ago and bring it back.

Councilmember Braden recommends this item be brought before the Public Works/Safety Committee after approval by the council.

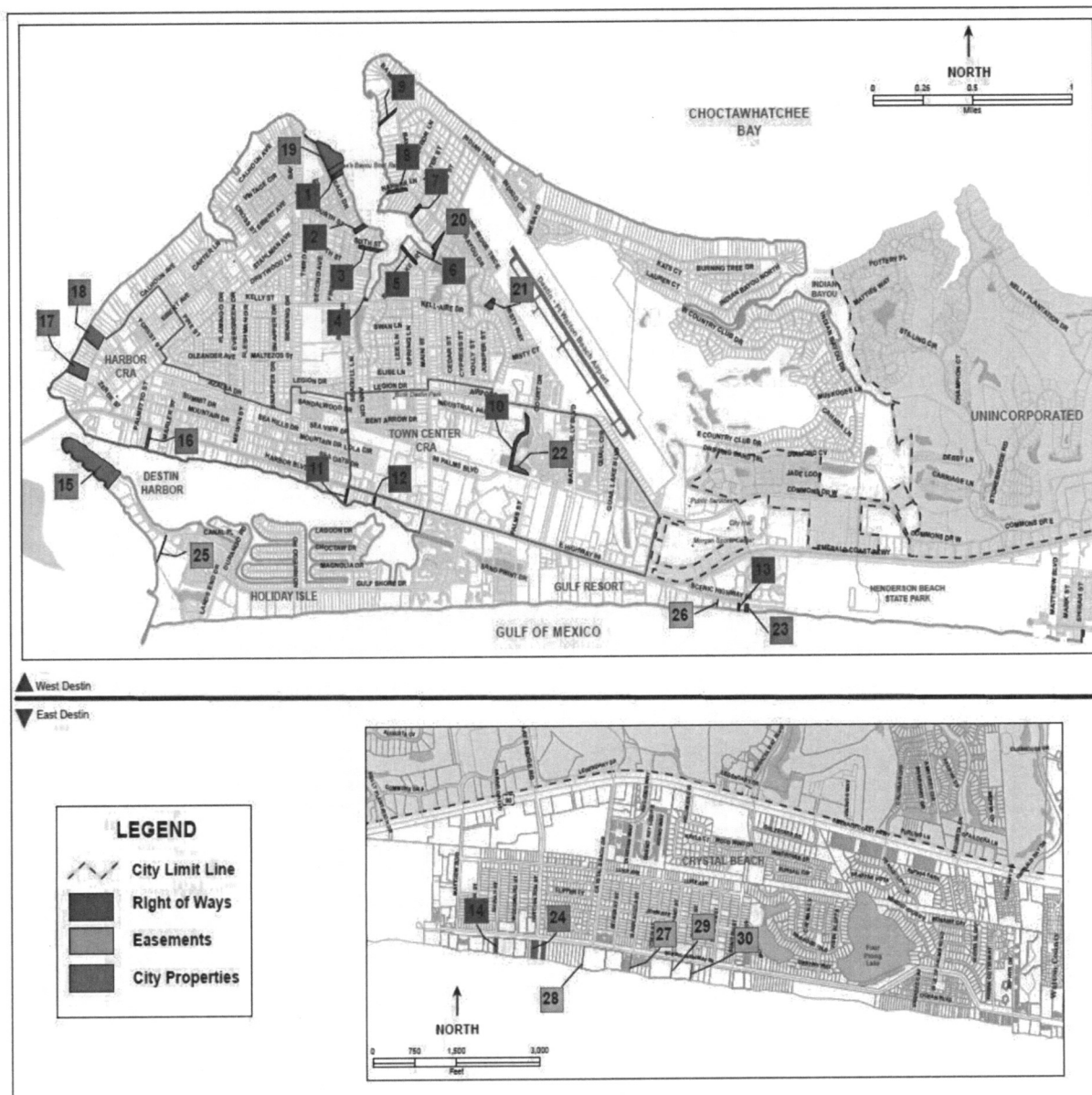
Councilmember Schmidt moved for approval of the project prioritization based upon the 2004 Storm Water Master Plan Level of Service, identified study areas, and city initiatives, and that these items be brought before the city's advisory boards for recommendation to council. Councilmember Hebert provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").

## E. Water Access Locations

The City's Engineering Assistant Joe Bodi provided the following presentation to council:

### City-Wide Water Accesses Issues and Potential Public Use

- City Council directed staff to conduct an analysis to determine which rights-of-ways, properties and easements are best suited for public use, including the cost for clearing/cleaning them up to make them accessible to the public and bring back some suggestions.



1. Properties with public access and no issues.

- 1 Joe's Bayou Boat Ramp
- 4 Kelly Street
- 6 Main Street
- 11 Beach Drive
- 13 Calhoun Beach Access
- 14 Shirah Beach Access
- 15 Norriego Point
- 16 Capt Royal Melvin Park
- 17 Capt Leonard Destin Park
- 18 Clement Taylor Park
- 19 Mattie Kelley Park
- 20 Main Street Park
- 22 Jewel Melvin
- 23 June White Decker
- 24 Shore at Crystal Beach
- 25 O'Steen Beach Access
- 27 Crystal Beach Dr Access
- 28 Barracuda St Beach Access
- 29 Pompano Beach Access
- 30 Tarpon Street Beach Access

2. City Properties with access and issues.

- |   |                  |            |
|---|------------------|------------|
| 8 | Harbor Lane West | Block Wall |
|---|------------------|------------|

3. Properties with no access and no issues

- 5 Bayview Street
- 9 Cobb Point Drive
- 10 Twin Lakes Un-named



- 4. City Properties with no access and issues.

|                                             |                |
|---------------------------------------------|----------------|
| • 2 Fourth Street                           | Storage        |
| • 3 Sixth Street                            | Docks          |
| • 7 Jupiter Street                          | Debris/Storage |
| • 12 Third Street                           | Parking        |
| • 21 Lakeside Village Subdivision Retention | Fence          |
| • 26 Sterling Shores Beach Access           | Closed off     |

Encroachments will affect options & estimates for improvements. Many of these would require Code Compliance Assistance, however, a couple of these pre-date the City's incorporation and would require some level of legal assistance.

## Requesting Action

### Property with no access and no issues

Staff requests bringing these items with basic design elements relative to the surrounding area to the respective Committees for comment and provide their recommendations back to City Council.

### City Properties with issues.

Most of these encroachments would go thru Code Compliance standard process.

Encroachments that pre-date the City's incorporation and would require some level of legal assistance and City Council Direction. These would require contacting the adjacent property owners to discuss removal of these encroachments.

The re-establishment of the Sterling Shores Beach Access may require some level of legal assistance and City Council Direction.

In all cases City Council will be updated on progress of the encroachments.

As these items are resolved they will be brought to the respective Committees for comment and provide their recommendations back to City Council.

Councilmember Ramswell requests the city's attorneys follow up on issues related to the Sterling Shores water access that was closed off a few years ago and was being looked at legally and provide information back to council.

Councilmember Ramswell noted that the presentation included a category of properties with no access and no issues. She opined that a right-of-way with no access is an issue by itself.

Mr. Bodi explained that those particular segments of rights-of-way are vacant wooded areas which can easily be cleaned up and create access. At this time, the wooded areas make it inaccessible.

Councilmember Schmidt would like staff to determine the costs for clearing or cleaning up rights-of-way, properties or easements with no access and no issues with code enforcement to provide waterfront access.

The City Manager asked if the council wants that to be a part of the next visioning session since they are about to approve their budget for the upcoming year.

Councilmember Destin recommends staff looking into the easement language before taking any further action because many of the easements contain some language on how they could be used; and some are not allowed to be used as water access.

Councilmember Bagby recommends staff following the process in identifying solutions to problems that have been identified. This includes taking the matter to appropriate advisory committees and obtaining their recommendation regarding prioritization, and to the city's attorneys for researching allowable uses for the easements.

Ms. Sandy Trammell, Parks and Recreation Committee Chair, noted that this whole issue has never been assigned to any of the city's advisory committees. They cannot turn these easements into a park because there is no parking available there, and the city does not have a code that allows them to have a park without parking. They do not have a pedestrian park code which would allow them to turn these easements into a neighborhood park. She recommends the city reviewing their budget and deciding what they want to do with these easements; adding that further directions need to be given by the council before any of the committees can address this issue because it is going to be bigger than what a volunteer committee can handle.

Councilmember Bagby stated that staff should not be bringing a problem without a recommended solution to the council. He continued that a large portion of this issue does not involve the Parks and Recreation Committee, but there are parts that should be brought before that committee. He expects staff to come up with a plan and a strategy for executing that plan and to bring all relevant information to council so they could provide further direction.

**Councilmember Bagby moved to direct the City Manager to direct staff to determine allowable uses for the easements, get an estimate on the costs for improving these easements, and to provide recommendations and obtain further directions from the council within the next 3 months; seconded by Councilmember Destin. Motion passed 7-0.**

(Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).

#### F. Route Selection for Zerbe/Calhoun Pedestrian Improvements Phase II

The City Engineer David Smith noted that the city hired Baskerville-Donovan for the Zerbe/Calhoun Pedestrian Improvements Phase II on June 7, 2021. The firm has since performed pre-design services that include site visits, reviewing available information, topographic survey, and met with the city to review possible routes. The firm has identified 4 possible routes for the pedestrian improvement. He presented the following options and associated pros and cons, stating that the primary concern is the 20' grade differential along Calhoun Avenue between Zerbe Street and US Hwy 98. He added that compliance with the American Disabilities Act will be challenging, and the steep grade will not encourage use of the trail within the existing rights-of-way:

##### Route A



**Pros:**

- \*Less elevation difference than the total between Zerbe and US 98 – 15'
- \*Does not require improvements to run along US Highway 98/State Route 30
  - Less Noise
  - More opportunity to provide pedestrian amenities
    - Trees
    - Benches
    - Water Features, etc..
- \*Less exposure to the elements, primarily the sun
- \*Less likely to require removal with subsequent maintenance or replacement of Marler Bridge
- \*Best site corridor (comp plan)

**Cons:**

- \*Must still traverse 15' of elevation difference between Zerbe and the cut-off point
- \*Would require property acquisition or easements
- \*Possible issues with safety if the property is not developed
- \*May require repair of private seawall

**Route B**

**Pros:**

- \*Less elevation difference than the total between Zerbe and US 98 – 15'
- \*Does not require improvements to run along US Highway 98/State Route 30
  - Less Noise
  - More opportunity to provide pedestrian amenities
    - Trees
    - Benches
    - Water Features, etc..
- \*Less exposure to the elements, primarily the sun
- \*Best site corridor (comp plan)

**Cons:**

- \*Must still traverse 15' of elevation difference
  - \*Would require property acquisition or easements
  - \*Possible issues with safety if the property is not developed
- \*Less likely to require removal with subsequent maintenance or replacement of Marler Bridge

**Route C**





**Pros:**

- \*No significant elevation difference. This route would provide a relatively level terrain between the Harbor Boardwalk and Zerbe Street.
- \*Would be most encouraging as to the use of the facility
- \*Does not require improvements to run along US Highway 98/State Route 30
  - Less Noise
  - More opportunity to provide pedestrian amenities
    - Trees
    - Benches
    - Water Features, etc..
- \*Less exposure to the elements
- \*Less likely to require removal with subsequent maintenance or replacement of Marler Bridge
- \*Best site corridor (comp plan)

**Cons:**

- \*Would require the most property acquisition or easements
- \*Possible issues with safety if the property is not developed
- \*May require repair of private seawall

**Route D**



**Pros:**

- \*Least amount of acquisition and/or easements

**Cons:**

- \*Requires improvements to run along US Highway 98/State Route 30
  - More Noise
  - More exposure to the elements
- \*Less opportunity to provide pedestrian amenities
  - Trees
  - Benches
  - Water Features, etc..
- \*Must still traverse 20' of elevation difference
- \*Most ADA compliance issues
- \*Most likely to require removal with subsequent maintenance or replacement of Marler Bridge
- \*Most exposure to the elements
- \*Would require property acquisition or easements
- \*Possible issues with safety if the property is not developed

Councilmember Schmidt suggests creating another design where people could just walk up to Sibert Avenue from the city's parking lots and to the potential new boardwalk under the bridge, since there are easement or safety issues associated with each of the current design options.

Councilmember Braden stated that Route A might be the best option, but pedestrians may not be willing to walk that distance just to get to the boardwalk under the bridge. The rest has potential danger associated with each.

Councilmember Ramswell stated that she prefers Route C, but she wants to know the reason the route gets off the road, and then cuts across other properties before it takes the westerly turn.

According to Mr. Smith, the elevation starts right where the route comes off of Calhoun Avenue. If they proceed up to where Route A or Route B comes off of Calhoun Avenue, they are actually traversing about 75 percent of the elevation difference between Zerbe Street and US Hwy 98. The roadway goes up, but the property stays relatively flat.

Councilmember Ramswell noted there are 3 properties along that particular route that are owned by the same corporation which the city has done business with before, and since each is either vacated or has issues, it might not be very difficult to negotiate and obtain them.

Councilmember Destin stated that Routes A, B and C are not attainable. The owners of the vacant properties they just discussed intend to put something on those parcels, and that he does not foresee any chance they will provide the necessary easement to the city. The only option available is Route D where they could use the existing right-of-way, so an easement is not



necessary. They could put some improvements in place that would mitigate the distance to US Hwy 98 and other issues that were brought up.

Councilmember Bagby recommends looking at the feasibility of putting in an ADA compliant tunnel as an option, similar to the one being constructed on east end of 30A on US Hwy 98 with FDOT paying for majority of the cost. There is also a tunnel underneath the Scenic Road going to the Crab Trap Restaurant from Destiny East.

**Councilmember Destin moved to consider going forward with Option D and putting some improvements in place that would mitigate the closeness to US Hwy 98 and addressing some of the other issues that were discussed; and also looking at the feasibility of adding an ADA compliant tunnel. Councilmember Bagby provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).**

F. Development of a City-Wide Safety Program

Mr. Smith provided the following presentation:

City Wide Safety Program

Council and/or community has asked staff to evaluate the following areas to address speeding/safety concerns.

Community Concerns

- 3<sup>rd</sup> Street between 5<sup>th</sup> Street and Kelly Street
- Sibert Avenue from Kelly Street to Zerbe Street
- Spring Lane between Legion Drive and Kelly Street
- Stahlman Avenue between Kelly Street and Hickory Street
- Legion Drive between Beach Drive and Benning Drive
- Indian Bayou Subdivision
  - Country Club East Drive
  - Country Club West Drive
  - Indian Bayou Drive
- Dolphin Street

Council Concerns

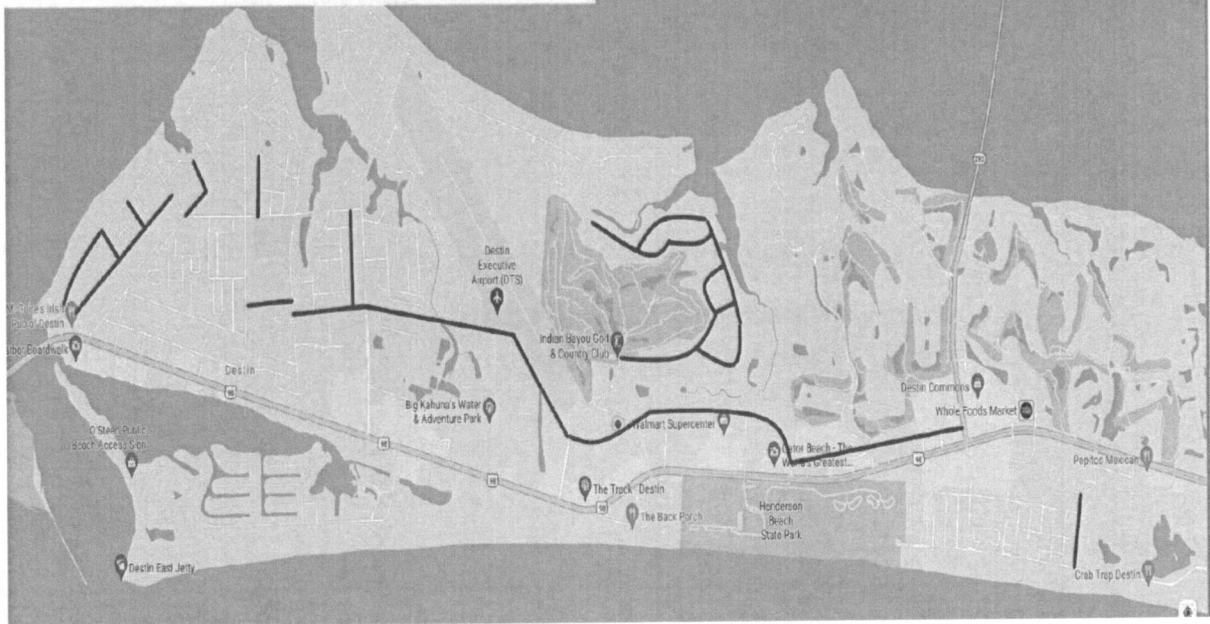
- **Calhoun Ave** from Zerbe Street to Clement Taylor Park
- **Pine Street** between Calhoun Avenue and Sibert Avenue
- **Forest Street** between Calhoun Avenue and Sibert Avenue
- **Cross Town Connector**
  - **Commons Drive** from the Roundabout at Indian Bayou Trail to Airport Rd
  - **Airport Road** from Commons Drive to Main Street
  - **Legion Drive** between Main Street and Beach Drive
  - **New Section of Cross Town Connector** between Beach and Benning Drive
  - **Azalea Drive** between Benning Drive and Stahlman Avenue
  - **Stahlman Avenue** between Azalea Avenue and US 98

1.

#### Background Research

- Talked with multiple residents
- Talked to law enforcement and emergency responders
- Observed each location, and
- Collected data

## Areas of Concern



### Field Observations

- Lack of neighborhood sidewalks
- Vehicles parked in right-of-way
- Lack of traffic calming
- Does not meet warrants/policy
- Overgrowth
- Dead or dying grass on right of way
- No community action programs

### Facts

- Cars are speeding
- Speeding cars do impact neighborhood safety
  - Even if it is only a small percentage
  - It only takes one car, one crash
- Residents are upset and concerned
- Slow down
- The safest solution is to separate modes

### Problem

- Lack of multimodal infrastructure
  - Sidewalks
  - Bike lanes
  - Multi-use paths
- Parking on rights-of-way
- Overgrown landscaping
- Lack of locations within close proximity of home where it feels safe for adults, children, and families to play and have an active lifestyle
- Lack of an organized effort that actively involves all stakeholders to develop, implement, and enforce neighborhood safety programs

### How To Move Forward?

- Community Engagement
- Education/Encouragement
- Engineering
- Enforcement
- Emergency Response

### Proposed Safety Toolbox

- Vision Zero
- Complete Streets
- Built Environment
- Traffic Calming

### Conclusion

- Community safety should be the top priority

**Councilmember Hebert moved to direct the City Manager to develop a city-wide safety program to provide a framework for stakeholders to work together to address speeding and other safety concerns based on:**

- **Community Engagement**
- **Education/Encouragement**
- **Engineering**
- **Enforcement**
- **Emergency Response**

**Councilmember Bagby provided a second to the motion.**

Councilmember Destin opined that the root cause of all the problems is speeding vehicles, and that the Sheriff's Department does not have the resources to enforce speeding in all neighborhoods. It justifies the effectiveness and the need for speed humps and/or 3- or 4-way stop signs. These are viable solutions for slowing traffic down, and that he recommends making it part of the motion.

**Councilmember Hebert offered an amended motion to direct the City Manager to develop a city-wide safety program to provide a framework for stakeholders to work together to address speeding and other safety concerns based on:**

- **Community Engagement**
- **Education/Encouragement**
- **Engineering**
- **Enforcement**
- **Emergency Response**

**And that speed bumps and/or 3- or 4-way stop signs are viable options to be considered by the stakeholders.**

**Councilmember Bagby provided a second to the amended motion.**

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

The City Manager announced there is no budget currently assigned for this project, and that there is \$100,000 assigned to it for next year's budget if approved at the next two budget hearings.

#### **H. Announcements:**

- 1) CRMHP Update
- 2) Chapter 164 Meeting #2: Wednesday Sept. 8th, 8:30am, Convention Center
- 3) Budget Hearing #1: Thursday Sept. 9th, 5:30pm, City Hall Annex
- 4) Board and Committee Appointment

**Councilmember Bagby moved to appoint Patti Brown to the Board of Adjustment, seconded by Councilmember Ramswell.**

There was a question as to whether Ms. Patti Brown had an active litigation with the City of Destin.

The City Attorney noted there is no active litigation at this time. They are at a pre-suit stage of the Bert J. Harris case. As with the other short-term rental Bert J. Harris cases, many of which were settled before there was litigation. He added there is no technical rule a person cannot be appointed as member of a standing committee even if there was litigation. It is council's prerogative to appoint the individual.

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

**Motion by Councilmember Destin, seconded by Councilmember King, to appoint Bobby Wagner to the Board of Adjustment passed 7-0. (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

## **5. PUBLIC HEARINGS**

A. Ingenium Enterprises, Inc., on behalf of RW Management Ltd., is requesting approval for a Major Deviation to an Existing Major Development Order. The project is located at 34898 Emerald Coast Parkway (Parcel ID: 00-2S-22-0588-0000-0030). The property is approximately 0.70 acres and is currently the location of the vacant Edwin Watts Golf Shop. The applicant is proposing a new, ±2,381 SF single story restaurant with a drive-thru, along with the associated infrastructure.

The City Attorney sworn in the following individuals for testimony:

Daniel Butler, Senior Planner, City of Destin  
Erik Houston, Authorized Agent, Ingenium Enterprises, Inc.

The City Attorney asked each member of the council and mayor whether they have had any ex-parte communications regarding the project.

Each member of the council and the mayor announced they have not been involved with any ex-parte communications regarding the project.

City Planner Daniel Butler noted that the property has a Future Land Use Map designation of Commercial General and zoning designation of Commercial General. The proposed project is consistent with the Comprehensive Plan and Land Development Code. Limited-service restaurant is an appropriate use within the Commercial General future land use designation and conditional use within the Commercial General zoning district. The conditional use hearing was approved by the Local Planning Agency on January 21, 2021, and approved by the City Council at the February 16, 2021 meeting.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing and turned the matter over to the city council for discussion and consideration.

**Councilmember Ramswell moved for approval of Panda Express, a Major Deviation to an existing Major Development Order; seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).**

B. Edwin L. Stanford, on behalf of the Fletcher Lisa Trust, is requesting a Planned Unit Development and Major Subdivision preliminary plat approval. The project is located at 318 Sibert Ave & 412 Kelly St (Parcel IDs: 00-2S-22-0310-000D-1700, 00-2S-22-0310-000D-1710, and 00-2S-22-0716-000H-0010). The properties total approximately 2.52 acres and will consist of a private gated development with 12 single-family residences, along with the associated infrastructure and platting.

The following individuals were sworn in for testimony.

Steve O'Connor, Principal Planner, City of Destin  
Brad Fletcher, Applicant  
Edwin Stanford, Authorized Agent, Core Engineering & Consulting, Inc.

The City Attorney asked each member of the council and mayor whether they have had any ex-parte communications regarding the project.

Councilmember Schmidt – “none”

Councilmember King noted he had some discussions with the applicant related to the general nature of the proposed development, and that he expects no impediment to this process.

Councilmember Hebert – “none”

Mayor Jarvis – “none”

Councilmember Bagby – “none”

Councilmember Destin – “none”

Councilmember Ramswell – “none”

Councilmember Braden – “none”

Principal Planner Steve O'Connor noted that the property has a Future Land Use Map designation of Low Density Residential, and a zoning designation of Low Density Residential – Village. The proposed project is consistent with the Comprehensive Plan and Land Development



Code. Maximum density allowed is 5.81 dwelling units per acre. Density provided was 4.76 dwelling units per acre.

Mr. O'Connor also noted that Planned Unit Developments are designed to provide an alternate method of land development not otherwise available within the framework of the Land Development Code. This use may be assigned to land which is to be developed utilizing innovative design techniques for the purpose of achieving one or more of the following development objectives:

1. The preservation and sensitivity to significant environmental or topographical features on the site.

Staff Comments: The property does not have any significant environmental or topographical feature on site that require preservation.

2. The accommodation of a mixture of uses on a single parcel of land made internally and externally compatible through use limitations, sign control, building orientation, buffering, or other techniques which may be appropriate to a particular development proposal.

Staff Comments: The proposed project does not incorporate a mixture of uses within the development, rather, the project consists of strictly long-term, single-family detached dwellings.

3. The accommodation of a juxta positioning of buildings with exceptional setback or separation distances made internally and/or externally compatible through strategic landscape and spatial design.

Staff Comments: The proposed single-family detached dwellings provide the minimum setbacks in accordance with the Land Development Code.

4. The accommodation of a comprehensively planned and phased development or redevelopment project involving multiple ownerships which provides for interrelated uses, circulation patterns (both vehicular and pedestrian), building orientation, parking areas, architectural motifs, signs, open spaces, vistas, amenity areas and like features which positively contribute to the area being developed or redeveloped in the city.

Staff Comments: The project proposes new detached single-family dwelling opportunities within the area; however, there are no unique site characteristics such as building orientations, parking area, open spaces (with the exception of a stormwater retention area), or amenity areas.

Mr. O'Connor added that since the proposed development does not meet the above purposes of a Planned Unit Development per the Land Development Code, staff cannot make a recommendation of approval. Staff does recognize the unique opportunity presented with the

proposed development on underutilized land surrounded by developed properties. The City Council is now responsible for determining whether the proposed development is unique enough to approve, or approve with conditions, and waive the requirements of a Planned Unit Development per the Land Development Code.

At this time, Mr. Brad Fletcher, approached the podium and provided each member of the council a folder consisting of a map showing location of proposed development as well as a representation of the finished product. He stated this is an anchor project for that area. The property is surrounded by non-conforming uses (i.e., random mixed of warehouses, trailer park, and duplexes). They want to construct a gated community to enhance safety in that area. He is proposing to build a neighborhood to anchor that entire neighborhood community.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing and turned the matter over to the city council for discussion and consideration.

**Councilmember Braden moved for approval of the Planned Unit Development and Major Subdivision identified as “Destin Cottages” and the associated Land Development Code deviations; seconded by Councilmember Hebert.**

Councilmember Ramswell asked if the proposed project went before the Local Planning Agency (LPA); adding there were no comments relating to recommendations by the LPA in the staff report, or a copy of the LPA meeting minutes attached to the report.

Community Development Director Louis Zunguze explained that the current process is that these types of projects do not go to the LPA; and that they are considering making that change in the LDC.

Councilmember Ramswell noted there were no impact fees being calculated. She asked when impact fees are calculated.

Mr. O'Connor stated that impact fees will be calculated at the time of building permitting, which is the standard procedure.

**Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).**

C. Destin Water Users, Inc. is requesting approval for a Major Development Order approval. The project is located at 14 Industrial Park Lane (Parcel IDs: 00-2S-22-0000-0001-001A; 00-2S-22-0000-0001-0620; 00-2S-22-0000-0001-0010). The property totals approximately 32.78 acres and is currently the location of Destin Water Users (DWU). The applicant is proposing to demo the existing metal buildings to the west of the training building and to construct of three new buildings (warehouse building, departmental storage building /

workshop, and an office building) and a parking garage within the existing DWU campus, to be utilized by the existing staff.

The City Attorney sworn in the following individuals for testimony:

Daniel Burler, Senior Planner, City of Destin  
Lockwood Wernet, Destin Water Users, Inc.  
Monica Wallace, Destin Water Users, Inc.

The City Attorney asked each member of the council and mayor whether they have had any ex-parte communications regarding the project.

Each member of the council and the mayor announced they have not been involved with any ex-parte communications relating to the project.

Mr. Butler noted that the property has a Future Land Use Map and zoning designation of Institutional. The proposed project is consistent with the Comprehensive Plan and Land Development Code. It has been deemed to have a de minimis impact by the Traffic Engineer; therefore, the project is not subject to transportation concurrency requirements per the Comprehensive Plan. Staff recommends approval.

Mr. Lockwood Wernet stated that a lot of their facilities predate the Hurricane Andrew Building Codes. Following Hurricane Michael, they determined that these facilities would not have withstood the hurricane have they gotten a direct hit, and the water system throughout Kell-Aire Subdivision would have been devastated and would need a major repair. They realized they needed to harden their facilities. They would need to rebuild several older structures to 160 miles per hour wind code requirements. This would provide them a safe place and the opportunity to respond quickly and more effectively following a major storm.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public hearing and turned the matter over to the city council for discussion and consideration.

**Councilmember Ramswell moved for approval of the Destin Water Users Campus Improvements, a Major Development Order; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

## **6. CONSENT AGENDA**

- A. NW FL Track Club, Inc. - Request for use of ROW for Rodeo Run
- B. Miscellaneous Asphaltic Services Contract, authorization to renew contract, proposed price adjustments
- C. Miscellaneous Road Striping Services, authorization to renew contract
- D. Miscellaneous Stormwater Maintenance Services, authorization to renew contract
- E. Miscellaneous Pest Control Services, authorization to renew contract

- F. Miscellaneous Generator Maintenance Services, authorization to renew contract, price Increase
- G. Miscellaneous Fire Safety Equipment, authorization to renew contract
- H. Miscellaneous Mechanical Services, authorization to renew contract, price increase
- I. Miscellaneous Electrical Maintenance Services, authorization to renew contract
- J. City-Wide Backup Server Subscription
- K. EnerGov Annual Maintenance and Support
- L. CivicPlus Electronic Government Services
- M. Renewal & Replacement Program, 15-ton Air Conditioning System for City Hall Annex, authorization to purchase after-the-fact
- N. Expenses incurred by Councilmember Ramswell while attending the Florida League of Cities 2021 Annual Conference from August 11 - 15, 2021 in Orlando, Florida
- O. Draft minutes of Standing Boards & Committee Meetings
- P. Christmas Holiday Lighting, authorization to purchase

Councilmember Ramswell requests Consent Agenda items 6B thru 6I, as printed above, be pulled for further discussions.

**Councilmember Hebert moved for approval of Consent Agenda items 6A, and 6J thru 6P, as printed above, seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

With regards to Consent Agenda 6F – Miscellaneous Generator Maintenance Services, Councilmember Ramswell noted they found out last year that they were paying \$590 a month for a generator at the Sheriff's Office which did not exist. She asked if that issue has been settled.

Public Works Director Michael Burgess noted that the current charges in the contract are for an annual service fee for two semi-annual services. The council authorized the purchase of a new generator for the city's maintenance facility on Common's Drive about 6 months ago. They also authorized the re-installation of their older generator back at the Sheriff's sub-station on Stahlman Avenue. They now have 5 generators, one in each of the following 5 locations - City Hall, City Hall Annex, Public Works Shop, Heritage Run Pump (Benning Drive), and the Sheriff's Substation. He also stated that they did not automatically received invoices for these services in the past, and that they were only charged for services performed. They would not have been charged for maintenance of the generator at the Sheriff's Sub-station because non existed at the time. Also, there was an addendum to the original contract last year which officially removed the Sheriff's Substation generator from the price list. That addendum was not included this time since there is now a working generator at that facility.

Councilmember Ramswell noted that the Sheriff's EOC facility is listed in the Miscellaneous Fire Safety Equipment contract renewal document; however, the Sheriff's Office does not have an EOC.

Finance Director Krystal Strickland noted that the EOC being referenced in the contract was the facility located behind the main city hall building. The facility is still active, and it is

where some of the city's critical equipment are kept. She also stated that the Sheriff's Substation and the EOC facility ended up in the same line as they are both related to public safety and under a similar account coding.

Councilmember Ramswell asked why the city is continuing to pay for the Sheriff's Office property.

Ms. Strickland noted that the Sheriff's substation is a property of the city. It is being inhabited by law enforcement officers to provide law enforcement services for the city.

**Motion by Councilmember Ramswell, seconded by Councilmember King, to approve Consent Agenda items 6B thru 6I, as printed above, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

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

A. Councilmember Braden

B. Councilmember Ramswell

1) Resident vs. Non-Resident Distinction

Councilmember Ramswell stated there are people who live in Kelly Plantation but joint property owner for several other properties located within the city, and pay taxes to the city, are required to pay non-resident fee when they go to Joe's Bayou.

The City Attorney stated this is a policy issue related to people who do not necessarily reside within the city limits of Destin but own property within the City whether they could take part in some of the city's amenities such as Joe's Bayou passes. He stated that by law, the legal definition of a resident is where a person lives and intends to live in the future. For instance, a person who lives in Kelly Plantation but owns property located within the City of Destin is not generally considered a resident of the city in the traditional sense of the law. However, this does not necessarily mean this council is bound by that term. The council can define a resident however they feel is appropriate. It is a policy direction from the council, and it is within their purview to change the policy as they so desire.

Councilmember Destin stated that while he understands the rationale in this case, he would prefer to stay within the traditional homestead rule. Otherwise, they have thousands of condominium owners from all over the country who would also qualify for the resident discount, and that he would not be in favor of it.

2) City's volunteer committee mission/training/tasking/utilization

Councilmember Ramswell requests above topic be added to a future agenda for discussion of the committees' missions and the city and committees' expectations with regards to tasking, and how to better utilize the committee system.

Next, Councilmember Ramswell requested an update on post occupancy building inspection.

According to the Land Use Attorney, the city is planning on bringing proposed ordinance to the Local Planning Agency in October 2021.

Councilmember Ramswell also addressed the issue of residents renting out their backyard and swimming pool to other people in an hourly basis, and that it is being advertised online. She directed the City Manager to bring back a proposed ordinance on how to better address this issue.

According to the Land Use Attorney, the city could address this issue under the current code as potential commercial issue in a residential area; but it would be easier from an enforcement perspective to have a separate code provision that prohibits that practice, or to limit impacts such as parking.

C. Councilmember Destin

D. Councilmember Bagby

Councilmember Bagby would like to see highlighted in a fee structure that the applicant pays for a referendum, if required, for a petition for a right-of-way vacation.

Councilmember Bagby also requests the City Attorney and the City's Special Counsel Jeff Burns draft a request for an Attorney General's Opinion on the proposed TDD expansion and place it on the next council meeting agenda.

Finally, Councilmember Bagby would like the City Manager and the Parks and Recreation Committee to look into the feasibility of converting a 60-foot-wide utility easement located between Windsor Forrest and Eagle's Landing subdivisions into a linear park.

E. Councilmember Hebert

- 1) Expanding the drive-through lanes at Whataburger, Krispy Kreme and Chick-fil-A

Councilmember Hebert asked staff to expound on this issue.

According to Mr. Zunguze, the city is presently in discussion with Chick-fil-A about their current site and will be reaching out to Whataburger and Krispy Kreme as well.

- 2) Littering Fines

Councilmember Hebert requests the City Manager brings back a proposed ordinance amendment within the next couple of meetings possibly increasing littering fines in the City of Destin from \$100 to \$1000.



### 3) *Welcome to Destin* Sign

Councilmember Hebert requests council's permission to work with the city manager and/or staff in reaching out to the Eglin administration and working on some alternatives such as raising the *Welcome to Destin* sign about a foot above the fence line, allowing the city to put fencing around the sign to let people have their pictures taken in front of the sign, or possibly moving the sign to the other side of the Marler Bridge.

**Motion by Councilmember Bagby, seconded by Councilmember Schmidt, to afford Councilmember Hebert the fact-finding authority passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted "yes").**

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt would like to reach out to Destin High School to see if they would be interested in promoting an idea that would be beneficial for the city's youth which is to get involved with some of the city's projects.

It was the consensus of the council to afford Councilmember Schmidt the opportunity to discuss youth matters with Destin High School.

H. Mayor Gary Jarvis

I. Land Use Attorney

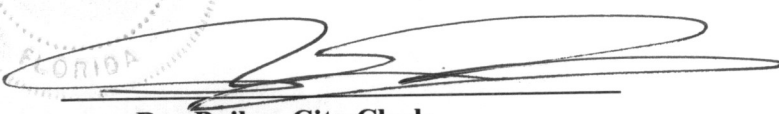
J. City Attorney

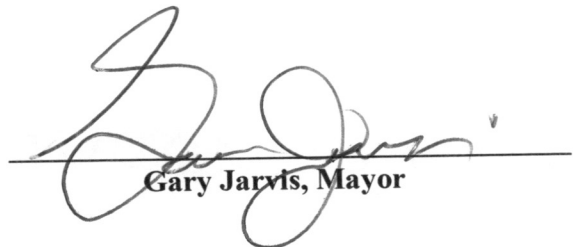
## 8. PUBLIC COMMENTS

### ADJOURNMENT

**Having no further business at this time, the meeting was adjourned at 9:40 PM.**

ATTEST:

  
Rey Bailey, City Clerk

  
Gary Jarvis, Mayor