

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 20, 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
Comm. Dev. Director Louis Zunguze
Finance Director Krystal Strickland
Land Use Attorney Kimberly Kopp (Virtual)

Deputy City Manager Webb Warren
Public Information Manager Catherine Card
Engineering Assistant II Joe Bodi
Principal Planner Steve O'Connor
HR Manager Nichole De Vito
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

Councilmember Braden requested adding item 7A – *Approval of proposed written agreement between the City of Destin and Mr. Mike Buckingham regarding the Capt. Royal Melvin Heritage Park project* to the agenda.

Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to approve the agenda, as amended, passed 7-0

1. APPROVAL OF MINUTES

A) Approval of minutes of September 9, 2021 Special City Council Meeting

Councilmember Hebert moved for approval of minutes of September 9, 2021 Special City Council Meeting; seconded by Councilmember Destin. 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) Tourist Development Taxing District Expansion – Update

The city’s Special Counsel Jeff Burns provided the following update on the Tourist Development Taxing District expansion:

- On September 8, 2021, Okaloosa County and municipalities located within Okaloosa County met at the second Chapter 164 meeting at the Destin-Fort Walton Beach Convention Center. At this meeting, two Interlocal Agreements were presented
- All municipalities have now approved and adopted both Interlocal Agreements
- At their meeting on Wednesday, September 15th, the TDC Board recommended approval of the county ordinance which have been amended or revised after the September 8th meeting to include language that protects the City of Destin’s ability to have an elected representative for perpetuity on the TDC Board.
- The next BOCC meeting is scheduled for Tuesday, September 21st at 3:00 pm in Shalimar. He will attend that meeting to make sure the proposed ordinance is heard along with the interlocal agreements.
- The Conflict Resolution 164 process will be terminated once the agreements come into effect, as provided in the agreements

The City Attorney noted that he received a phone call from the County Attorney just prior to this meeting informing him of some last-minute ministerial changes to the ordinance addressing the transfer of TDT collections from DOR to the Clerk of Court. These changes did not impact the City of Destin seat on the TDC Board or the 12.5% funding allocation.

The City Attorney also noted that another part of this agenda item is a draft cover letter to the Attorney General consistent with Councilmember Bagby’s request at the previous council meeting. He asked for council’s direction whether to proceed forward with this request.

Councilmember Bagby stated that this request has nothing to do with the TDC or the agreements to which all the municipalities have already agreed. The city council is seeking the Attorney General's opinion regarding the following three questions:

- 1) *Does Okaloosa County, as the taxing authority, possess the legal authority to create a single taxing district which levies the Tourist Development Tax at different rates for different areas of the taxing district?*

Councilmember Bagby stated that he does not believe the county possess the above authority; and neither did the city's special counsel based on the opinion he provided to the council a few weeks ago. He continued that even if the Attorney General finds the special counsel's opinion to be correct, it will not prevent the action the county plans to undertake.

- 2) *Does Okaloosa County, as the taxing authority, possess the legal authority to incorporate the totality of an existing subcounty special taxing district into a new, countywide taxing district by way of a referendum election which excludes the citizens residing in the existing subcounty special taxing district?*

Councilmember Bagby stated they have sworn to protect the Destin citizens and their voting franchise, and that in his opinion, if the action the county is taking passes, it will dilute the power of the vote of the citizens of Destin.

- 3) *If the city's citizens seek relief pursuant to section 125.0104(6)(d), Florida Statutes, would they be required to garner 15% of the electors in the original subcounty special taxing district that they approved to join or would they be required to garner 15% of the electors in the new countywide taxing district that they were denied a vote in order to remove themselves from the taxing district?*

Councilmember Bagby also stated that this issue is about the power of the citizens of Destin and the taxing of the businesses in Destin; and that in his opinion, there should not be two different tax rates in a district and that the county should not have the right to disenfranchise the voters of Destin.

Councilmember Bagby moved to authorize the City Manager and City Attorney to forward the Attorney General's Opinion (AGO) request letter to the Florida Attorney General; seconded by Councilmember Ramswell.

The mayor expressed concern over the message this action will send to the county after the conflict resolution process they have just conducted, and with all the municipalities agreeing on the language and the execution of the county's proposed ordinance. He also noted that the Attorney General's opinion is usually not legally binding and so he does not see the value of seeking for it at this time.

According to Councilmember Destin, even though the questions Councilmember Bagby poses are all pertinent, the agreement the municipalities have voted on included a language that

municipalities will not challenge the legality of the document. For this reason, he would not be able to support the motion on the floor.

Councilmember Ramswell argues that they are merely seeking for a higher-level opinion from the Attorney General. It does not necessarily mean they will challenge the action or enter into litigation with the county. She added that this opinion could assist them in making further decisions later on.

Councilmember Hebert stated that she concurs with the previous comments from the other council members about not challenging the legality of the documents to which all municipalities have already agreed. She added that seeking an Attorney General's opinion on this matter will just "stir the pot" and create some problems.

Councilmember Bagby reiterated that asking for an Attorney General's opinion is not a legal challenge and it has no legal weight. It is merely asking for an opinion by a senior attorney in the state whether the county's action is legal. It does not affect the agreement that they made in Shalimar.

The mayor called for a vote on the motion, which failed 2-5 (Council members Bagby and Ramswell voted "yes"; Council members Schmidt, King, Hebert, Destin, and Braden voted "no").

B) Capital Project Status

The city's Finance Director Krystal Strickland provided a summary of the current capital improvement projects, including status and year-to-date expenditures and encumbrances

C) Operations Financial Report

The Finance Director provided a summary of year-to-date budget versus actuals for the General Fund and the two community redevelopment areas.

D) Mobility Plan and Fee Schedule Update

Mr. Alan Steinbeck, Consultant, 3TP Ventures, Inc., presented the City of Destin Mobility Plan and Mobility Fee Study.

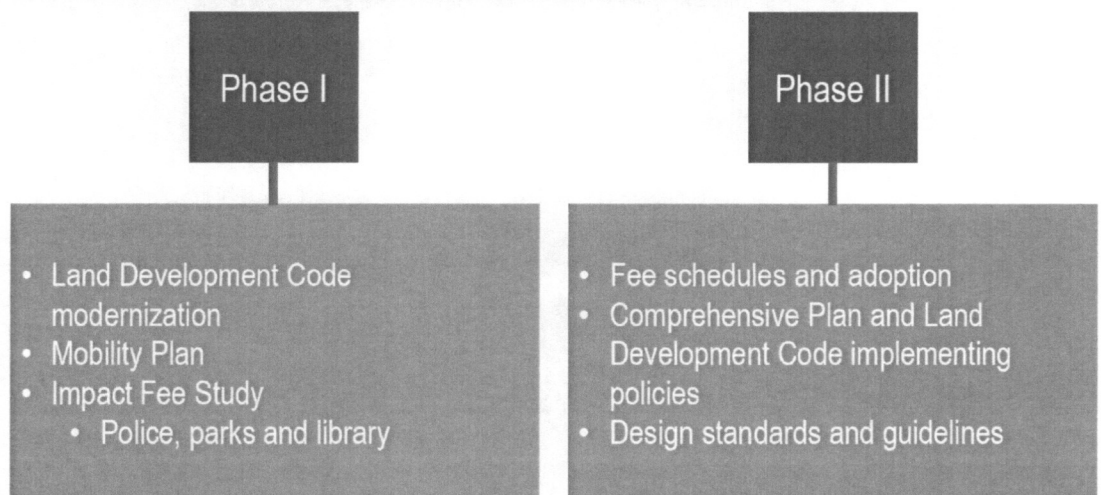
- Purpose of the Mobility Plan: To establish long term needs for the transportation network to facilitate the safe and effective movement of people to and around the City of Destin.
- Vision: Destin will be a well-designed community where the transportation system supports and enhances the living, working and visitation experience.
- Goals:
 - ❖ Provide for the transportation needs of residents, business owners and employees as well as visitors and regional travelers.

- ❖ Identify projects for motorized vehicle capacity, walking, transit, bicycling and parking that meet the long-range needs of the community.
- ❖ Adopt a policy framework for transitioning the city from a multimodal transportation district concurrency management system to a mobility fee system.
- ❖ Establish current planning and development review policies and procedures to mitigate the impact of development on the transportation network.
- ❖ Calculate and set mobility fees for new development to contribute to the costs of improvements to transportation infrastructure.

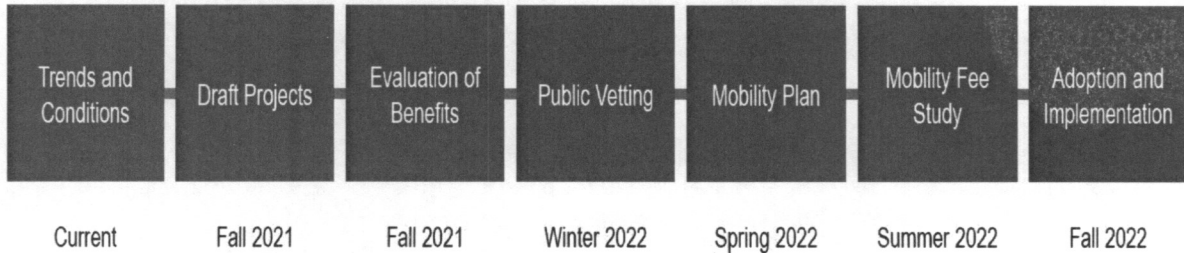
Transition from MMTD to Mobility Plan

	Trends and Conditions	Values and Beliefs	Strategic Position and Approach	Plans and Policy Formation	Implementation Tools	Progress and Results	Assessment and Reporting
Existing				Multimodal Transportation District form of Concurrency	LDC Pathways Plan Impact Fee		Annual Data Collection and Reporting
Proposed				Mobility Plan	Mobility Fee Impact Mitigation LDC		Work Program Focus Periodic Data Collection and Reporting

Overall Work Program

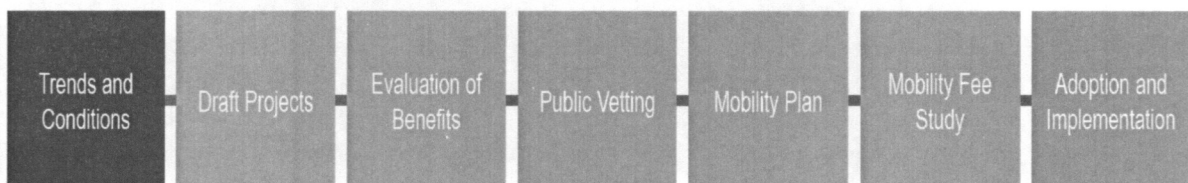


Mobility Plan and Mobility Fee Process



- Fee study required by State of Florida to establish new fee structure
- Opportunity to
 - Establish a vision for the future and institutionalize policies to guide growth
 - Identify infrastructure, facilities and services to support the community into the future and create strategies for funding and delivery

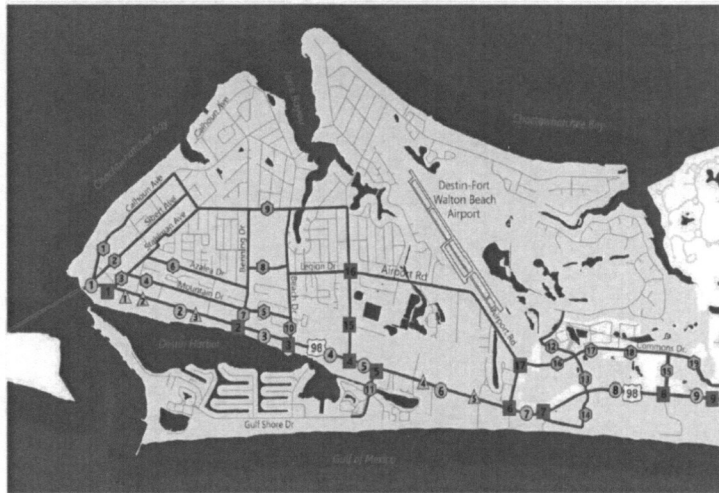
Current Status



- Evaluate trends in traffic and network utilization
- Assess level and quality of service
- Inventory current and planned projects

Traffic Count Locations

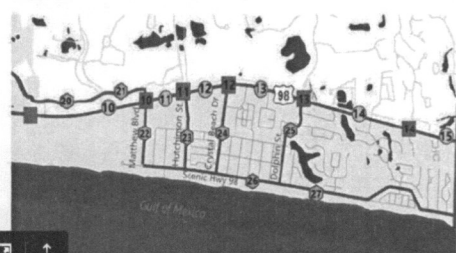
COUNT LOCATIONS: WEST DESTIN



- 72-hour bi-directional
- ⊕ 24-hour bi-directional
- Turning movements - PM Peak
- ▲ Pedestrian - PM peak
- City Limits

0 0.25 0.5 1 Miles

COUNT LOCATIONS: EAST DESTIN



Impact Fee Comparison (residential fees only)

Jurisdiction	Transportation	Parks	Libraries	Police
Manatee County	\$4,506.00	\$1,037.00	\$210.00	\$429.00
Lake County	\$2,088.00	\$222.00	\$191.00	
Martin County	\$2,860.00	\$1,811.00	\$515.00	\$595.00
Nassau County	\$1,934.00	\$2,048.00		\$299.00
St. Cloud	\$6,442.00	\$1,838.00		\$961.00
Recommended Fees for Destin by 2007 Study	\$3,780.00	\$1,908.00	\$338.00	\$32.00
Destin (adopted in 2008)	\$813.00	\$392.00	\$131.00	\$19.00

**All fee amounts are averages based on the residential categories for each jurisdiction. Impact fees for nonresidential uses are not included in the table above.*

Next Steps



- Trends and conditions reporting
- Synchro modeling
- Safety assessment
- Multimodal Level of Service assessment
- Parking study/mobility hub
- Public and stakeholder feedback

E) Leave No Trace/Turtle Flashlights

The city's Public Information Manager Catherine Card discussed the city's current Leave no Trace initiative of giving out free turtle-friendly flashlights to the public as part of the city's efforts in helping with education and awareness of sea turtle nesting season on Destin's beaches (May 1st – October 31st) and in protecting nesting sea turtles.

F) Miscellaneous Median Maintenance Services, authorization to renew contract with price increases

The City Manager stated that the medians of US Hwy 98 and selected rights-of-way have been maintained by ZIIC Outdoors since July 2020. Areas to be serviced include Harbor Blvd, US Hwy 98 from Airport Road to Matthew Blvd, Mountain Drive, Main Street, and Scenic Hwy 98. ZIIC Outdoors has requested a fairly substantial increase in the contract amount of approximately \$40,000 due to the rising labor costs, among other factors, as well as an adjustment to the service frequency for certain tasks. He stated that extension of the contract with proposed changes will maintain the beauty of several of the City's major corridors and positively contribute to community aesthetics; while going back out to bid could result in similar increase in costs. He requests council's direction on this matter.

Councilmember Hebert moved to authorize the City Manager to execute a one-year contract extension for Miscellaneous Median Maintenance Services with ZIIC Outdoors, LLC in the amount of \$228,875.00; seconded by Councilmember King.

Councilmember Ramswell stated it is disconcerting to her that the company is requesting an increase in the contract when they had not even fulfilled the original terms.

The City Manager stated they would need to research the actual segment of US Hwy 98 that were actually under city control during all of the previous construction because once FDOT

starts a construction project, the city is relieved from duty. The contractor becomes responsible for all maintenance until the project is complete.

Councilmember Bagby offered a substitute motion to direct the City Manager to execute a 6-month contract extension for Miscellaneous Median Maintenance Services with ZIIC Outdoors, LLC; during the 6-month period, city staff will develop standards, have the Public Works/Safety Committee review/evaluate the firms performance in accordance with the standards set by the city, and bring the item back to council with recommendations to either put the services out for bid or extend the contract to the remainder of the year. Councilmember Ramswell seconded the substitute motion. Motion passed 7-0. (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).

Councilmember Ramswell noted they had some discussions in the past about establishing a high grass ordinance when there was an issue about several properties having an extremely high grass. It also stemmed from around the properties near Destin Elementary School and some properties along Beach Drive with grass that have extremely overgrown. There were some discussions about amending the code to include some sort of standards that would apply across the board.

The city’s Land Use Attorney and staff will look into specific grass height limitations currently in existence to determine what is enforceable.

G) Announcements

The City Manager announced that Public Information Manager Catherine Card was one of the people selected to meet with Governor DeSantis to discuss the state-wide assessment test and the future of that test; and that she represented the city very well.

5. PUBLIC HEARINGS

A) Second reading of Ordinance 21-17-CN Adopting the Fiscal Year 2022 Millage Rate

The City Attorney read Ordinance 21-17-CN by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2022; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion Councilmember Bagby, seconded by Councilmember Ramswell, to adopt Ordinance 21-17-CN on second reading adopting a proposed FY 2022 millage rate of

1.6150 mills which is more than the rollback rate of 1.5566 by 3.75%, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Ramswell, and Braden voted “yes”).

B) Second reading of Ordinance 21-18-CN Adopting the Fiscal Year 2022 Budget

The City Attorney read Ordinance 21-18-CN by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Councilmember Bagby moved for the adoption of Ordinance 21-18-CN on second reading to provide for a balanced budget for FY 2022; seconded by Councilmember Ramswell.

Councilmember Destin commended the Finance Director for a fine job creating a budget that is quite understandable to everyone. However, he believes they will be spending more than they will be taking in and using up about one-third of their reserve funds. He stated that he has calculated how much it would cost to resurface many of their street roads and came up with about \$10 million. For this reason, he would not be able to support the budget.

Motion passed 6-1 (Council members Schmidt, King, Hebert, Bagby, Ramswell, and Braden voted “yes”; Councilmember Destin voted “no”).

6. CONSENT AGENDA

- A) 18-20-SP Vintage Destin, Right of Way Preliminary Acceptance - Palm Street Extension
- B) Approval for Concessions Contract
- C) Miscellaneous Fire and Security Monitoring, authorization to renew contract
- D) Miscellaneous Concrete Services, authorization to execute a contract
- E) Resolution 21-12 37th Annual Christmas Parade
- F) Burns Legal Solutions: Payment Authorization
- G) Okaloosa County Sheriff Office Service Agreement FY2022

Councilmember Destin requests Consent Agenda item 6G be pulled for further discussion.

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

With regards to Consent Agenda item 6G, Councilmember Destin noted he has supported the Sheriff's contract since the beginning because of the quality of service they provide. This time he plans to have a discussion with the Finance personnel at the Sheriff's Office to better understand how they arrive at the price of \$2.5 million for 17 full time deputies, which equates to about \$140,000 per deputy.

Councilmember Bagby noted that if the City did not have a police force, the Sheriff's Office would still be required to provide them the same level of service they provide the other sections of the county. The city is paying for enhanced services. He too would like to discuss this matter with the chief financial officer at the Sheriff's Department. He would also like the official City of Destin logo to be placed on all law enforcement vehicles assigned to the City of Destin.

Motion by Councilmember Destin, seconded by Councilmember Bagby, to approve Consent Agenda 6G, 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

1. Approval of proposed written agreement between the City of Destin and Mr. Mike Buckingham regarding Capt. Royal Melvin Heritage Park project.

The City Attorney explained that the proposed written agreement is related to Mr. Buckingham's provision as a volunteer project manager service for the Capt. Royal Melvin Heritage Park. It makes clear that the City Manager has the final authority over everything relating to Mr. Buckingham's activities. It also provides that Mr. Buckingham is not being compensated for his services, and that under the ethics rules, he cannot be compensated because he is a member of the city's advisory board for this project. It also makes sure that Mr. Buckingham will be complying with Public Records Law. It also provides an indemnification provision that if Mr. Buckingham is sued in relation to his role as project manager, the city agrees to indemnify or hold harmless him for anything except for gross negligence, recklessness, or any intentional misconduct on his part.

Councilmember Braden moved to accept the written agreement between the City of Destin and Mr. Mike Buckingham; seconded by Councilmember Ramswell.

Councilmember Bagby asked who certifies that the project is substantially completed per paragraph 3 of the proposed agreement.

Community Development Director Louis Zunguze stated it would be a combination between the Building Official and the Engineer of Record.

Under paragraph 8 in the proposed agreement relating to public records, Councilmember Bagby asked why they do not require Mr. Buckingham to just provide the city copies of everything related to the project at the beginning and require him to just use his city email in relation to this project.

The City Attorney stated they could certainly put this provision in place if this is the council's pleasure.

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

B) Councilmember Ramswell

Councilmember Ramswell requests the topic "Parks and Parking Codes" be placed on the next agenda under her name for discussion. She would also like staff to determine the reason they have parks without required parking codes and bring back some information.

Councilmember Ramswell noted that the city previously approved the establishment of Zerbe-Calhoun Historical District. She asks staff to put up some signage promoting that district.

Community Development Director Louis Zunguze noted they are in the process of establishing the wayfinding program, and that the historical district is one of the areas identified in the program. He recommends placing temporary signage at this point and then permanent signage later on as part of the overall branding of the city.

C) Councilmember Destin

D) Councilmember Bagby

E) Councilmember Hebert

Councilmember Hebert commended the Public Works Director and his staff for taking care of a lot of flooding around the city within a short period of time following the recent storm event despite being short-staffed.

F) Councilmember King

G) Councilmember Schmidt

Councilmember Schmidt requests a livery vessel update be provided at the second council meeting in October with regards to the plan for renewal of registration for the upcoming season, specifically how things will be done differently as compared to the current year.

Councilmember Schmidt inquired as to the status of council's direction to prepare an ordinance to remove section 4879 - *Scenic and Sightseeing Transportation, other* from the Airport Zone A Table 7-2 as a permanent use.

The Land Use Attorney stated that the ordinance is scheduled to be presented to the Local Planning Agency in October, and then to the council in November.

H) Mayor Gary Jarvis

I) Land Use Attorney

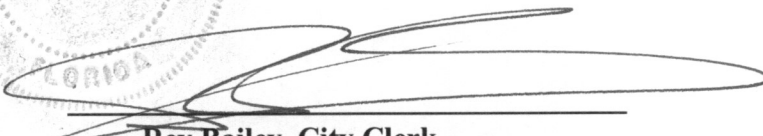
J) City Attorney

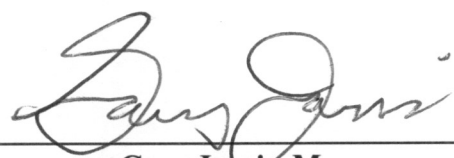
8. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:15 PM.

ATTEST:


Rey Bailey, City Clerk


Gary Jarvis, Mayor