

**REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 18, 2022
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Professionalism*****

CALL TO ORDER

*** INVOCATION**

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL *(Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)*

1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / **PUBLIC PRESENTATIONS / ANNOUNCEMENTS

A. Proclamation - School Choice Week

2. PUBLIC COMMENTS (Section 5 - Public Hearings has separate public comments time for these items) (Note: Individual speakers will be limited to 3 minutes. At the discretion of the mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

3. * CONSENT AGENDA**

A. Capital Project Status

B. Operations Financial Report

C. Benning Drive Re-striping, authorization

D. Renewal & Replacement FY22 - Vehicle, Code Compliance Department

E. Proposed Bert Harris Settlement Agreement for 3487 Scenic Hwy 98

F. Proposed Bert Harris Settlement Agreement for 3472 Scenic Hwy 98

G. Proposed Bert Harris Settlement Agreement for 100 Stingray

H. Approval of minutes of January 3, 2022 Regular City Council Meeting

I. Draft Minutes of City Board & Committees

4. CITY MANAGER REPORTS

A. Utility Undergrounding Opinion of Probable Cost Phase 1

B. Visioning Session/Strategic Plan Review

C. Announcements:

1) Crosstown Connector and Waterfront Access Update.

2) Business View Article

3) State of the City Address to be held at the February 22nd Council Meeting.

5. PUBLIC HEARINGS

- A. First reading of Ordinance 21-24-PC - Amending the Future Land Use Map to include a change in the Future Land Use designation of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).
- B. First reading of Ordinance 21-15-PC - Creating a new chapter of the City of Destin's Comprehensive Plan, "Property Rights Element" pursuant to state law.
- C. First reading of Ordinance 21-25-LC - Amending the official Zoning Map as referenced in the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).

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

- A. Councilmember Braden
- B. Councilmember Wagner
- C. Councilmember Destin
- D. Councilmember Bagby
 - 1. City Manager Compensation
 - 2. Nomination for membership to the Local Planning Agency - Todd Buhr
- E. Councilmember Hebert
- F. Councilmember King
- G. Councilmember Schmidt
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

7. PUBLIC COMMENTS (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)

8. ADJOURN

* Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

** To be placed on the agenda under public presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting, completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.

*** All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242. Personas con discapacidades que necesitan asistencia o personas que necesitan ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here. Please visit our agenda center on the city website at www.cityofdestin.com/agendas.



City of Destin

Proclamation

Destin School Choice Week *January 23-29, 2022*

WHEREAS, all children in Destin should have access to the highest-quality education possible; and

WHEREAS, Destin recognizes the important role that an effective education plays in preparing all students in Destin to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Destin; and

WHEREAS, Destin is home to a multitude of high-quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS, Destin has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, School Choice Week is celebrated across the country by millions of students, parents, educators, schools and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE I, Gary Jarvis, Mayor of the City of Destin, do hereby recognize January 23 – January 29, 2022, as ***Destin School Choice Week***, and I call this observance to the attention of all our citizens.

SO, DONE THIS 18TH DAY OF JANUARY 2022
BY:

Gary Jarvis, Mayor

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 3.A.

TO: City Council

THRU: Jeffrey Cozadd, Grants Manager
Webb Warren, Deputy City Manager
Kyle Bauman, City Attorney
Lance Johnson, City Manager

FROM: Krystal Strickland, Finance Director

DATE: January 12, 2022

SUBJECT: Capital Project Status

I. BACKGROUND: Informational Item Only

II. DISCUSSION: Please find attached a summary of the current capital improvement projects, showing status and Year-to-Date expenditures and encumbrances.

A. Link to Strategic Goals / Objectives: Financially sound City providing Service Excellence

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: Not applicable. Informational only.

Attachments:

1. Dec 2021 Capital Projects

CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report

COUNCIL/ MGMT OBJECTIVE	October 1, 2021 - December 31, 2021		FY2022 Budget*	YTD Actuals	YTD Encumbrances	FY2022 Available Budget	Status	Notes
PRIORITY	Citizen/Council Directed							
1.2	EN615	Cross-Town Connector	\$ 3,006,672	\$ 50,148	\$ 601,895	\$ 2,354,629	Ongoing	Atkins working on design and ROW acquisitions
1.3, 2.2	CM001	Beach Acquisition	4,478,269	-	39,701	4,438,569	Ongoing	TDC working on beach park design. TPL working towards 3rd parcel acquisition.
1.6	EVENT	Multi-Use Convention/Sports/Comm Ctr	75,000	-	-	75,000		
1.4, 2.3	UNDER	Undergrounding	364,105	49,694	64,411	250,000	Ongoing	Electric Franchise agreement increment for undergrounding is signed. Utility Consultants of Florida working on opinion of probable cost, phase maps, and gulf power input.
1.8	TR621	Transit Trolley	25,000	-	-	25,000		
1.9	MARIN	City Marina	75,000	-	-	75,000		
1.7	ANNEX	Annexation Study	10,000	-	-	10,000		
	Renewal & Replacement							
3.2	RR051	General Government	204,752	13,949	-	190,803		
3.2	RR052	Public Safety	217,044	-	-	217,044		
3.2	RR053	Physical Environment (Stormwater, Cemetery)	365,868	124,334	174,367	67,167		
1.10, 3.2, 3.7	RR054	Roads, Sidewalks, Street Lighting (Gas Tax 1)	887,727	-	-	887,727		
3.2	RR057	Parks and Recreation	681,765	16,036	71,509	594,220		
3.2	RRVEH	Vehicles	523,044	32,290	323,348	167,406		
	Growth Necessitated & Comp Plan							
	LB002	Library Impact Fee Projects	24,000	-	-	24,000		
4.10	NORG1	Norriego Point Road	380,000	-	60,000	320,000		Finalizing council-approved development order.
	RC004	Park Impact Fee Projects	-	-	-	-		
4.14	SW54	Stormwater Improvements	60,000	-	-	60,000		
1.5, 4.8	TR618	Zerbe-Calhoun Pedestrian Pathway	155,932	6,361	149,571	-		Baskerville-Donovan engineering firm presented 60% design.
1.10	TR619	Sibert-Zerbe Parking Lot Consolidation	150,000	-	-	150,000		
3.9	TR620	ADA Transition - Pedestrian Facilities	142,000	-	141,040	960		
1.10	TR622	General Parking Improvements (FY22 kiosk)	30,000	-	-	30,000		
	Other Capital Projects							
	CE001	Code Compliance Vessel	41,000	-	-	41,000		Sheriff's office donated a vessel. Code Compliance team updating equipment needs list for potential budget transfer.
3.3, 4.7	CRH63	Captain Royal Melvin Heritage Park and Plaza (RESTORE)	1,436,008	90,959	638,519	706,530	Ongoing	
3.5	CRH64	Harbor CRA Wayfinding Plan Signage	-	-	-	-		
4.2	CRH65	Harbor Capacity Study	250,000	250,000	-	-		
4.15	CRT17	Town Center CRA Easement Trail/Linear Park	-	-	-	-		Grant application for state appropriation in process.
3.5	CRT64	Town Center CRA Wayfinding Plan Signage	-	-	-	-		
3.5	TR64	General Wayfinding Plan Signage	100,000	-	-	100,000		
3.2	IT002	CD Tech Fund Hardware/Software Replacements	75,000	12,698	-	62,302		

	IT003	Other Hardware/Software Replacements	50,000	18,245	-	31,755		
	LB001	Library Tablet Station & Biblioteca RFID and Mobil Ap	24,906	868	10,330	13,709	Ongoing	Tablet station is open to public. RFID tagging 85% complete.
	NPDES	National Pollutant Discharge Elimination System (NPDES)	32,500	-	-	32,500		
	PW015	Vehicle WashDown Station	-	-	-	-		
	RC124	Morgan's Children's Park Playground Structure	51,745	-	-	51,745		
	RC125	Buck Destin Restrooms	135,000	-	-	135,000		
4.16	RC127	Pickleball Court	400,000	-	-	400,000		
	RC128	Morgan's Bathrooms/Storage/Fieldhouse	250,000	-	-	250,000		
	RC129	World's Luckiest Fishing Pond at X-Town Park	-	-	-	-		
	RC130	Cultural Facilities Grant Bldg Improvements	-	-	-	-		
3.3, 4.11	RC216	Clement Taylor Park Renovations	764,918	-	-	764,918		Construction RFP to be drafted Spring 2022
	ARP	Infrastructure Project TBD	790,000	-	-	790,000		Options to be presented for dicussion January/February
	TRSAF	Intersection Safety	100,000	-	-	100,000		
	SW55	Mobile Pumps and Hoses (Flood Prevention)	96,619	81,432	-	15,187		Ordered Aug 2021
	SALLY	Hurricane Sally Repairs	58,951	24,823	34,128	-		Started Sept 2020
	SW53	Stormwater Master Plan	6,148	-	6,148	-		Started in 2018 Jenkins Engineering
	XMAS	Christmas Decorations (capital items)	68,160	69,846	-	(1,686)	Complete	
Total Funded Projects			\$ 16,587,133	\$ 841,682	\$ 2,314,966	\$ 13,430,485		

		5-Year Capital Budget Amount
Council Objectives		
1.1	Offer livable wages & benefits to attract and maintain high caliber, quality staff	\$ 355,000
1.2	Complete two-lane Crosstown Connector	6,000,000
1.3	Public Beachfront acquisition initiative	17,931,132
1.4	Underground Utilities	1,405,000
1.5	Zerbe St/Calhoun Ave Phase II - Design pedestrian pathway under Marler Bridge	-
1.6	Research viability of Multi-use Convention/Sports/Community Center (phase 1 Feasibility study)	75,000
1.7	Annexation of unincorporated enclaves	10,000
1.8	Transit/Trolley system	25,000
1.9	City Marina (phase 1 Feasibility Study)	75,000
1.10	Improve parking	355,000
1.11	Beach re-nourishment, planning and scheduling	-
Management Objectives		
2.1-2.8	These are management-related, not capital project related	-
Management in Progress		
3.1	Memorialize institutional knowledge	-
3.2	Plan for renewal and replacement of city facilities and infrastructure	4,475,437
3.3	Monitor RESTORE Act grants	-
3.4	Implement enhanced signage control	-
3.5	Develop/implement wayfinding program	350,000
3.6	Update golf cart/low speed vehicle rules	-
3.7	Implement a roadway striping program	5,084,667
3.8	Provide training to Board and Committee members	-
3.9	Improve sidewalks (wider, more walkable)	142,000
3.10	Enforce residential boat and RV parking regulations	-
3.11	Monitor beach cleaning with Okaloosa County	-
3.12	Redevelopment (citywide)	-
3.13	Reestablish environmental committee	-
Major Projects		
4.1	Implement and manage COMPASS software	-
4.2	Harbor Capacity Study (USACE)	-
4.3	Land Development Code revision	-
4.4	Impact Fee Study	-
4.5	Building Permit Fee Study	-
4.6	Update BTR Fee Schedule and processes	-
4.7	Construction of Capt Royal Melvin Heritage Park	706,530
4.8	Zerbe St/Calhoun Ave Phase II - Design pedestrian pathway under Marler Bridge	-
4.9	Hwy 98 Median Improvement project (w/FDOT)	-
4.10	Norreogo Point Recreation components (w/FDEP)	350,000

4.11	Renovate Clement Taylor Park	764,918
4.12	Redevelop Joe's Bayou Recreation Area (w/FDEP)	-
4.13	Continuity of streetlights/Conversion to LEDs	-
4.14	Implement prioritized stormwater improvements based on the Stormwater Master Plan	120,000
4.15	Design and construct Gulf Power Easement Trail/Linear Park	1,320,000
4.16	Design and construct pickleball courts	400,000
	TOTAL	<u>\$ 39,944,683</u>

TOTAL FY2022-2026 CAPITAL BUDGET	\$	42,271,832
% FOR COUNCIL OBJECTIVES		94%

CITY OF DESTIN 5-YEAR CAPITAL IMPROVEMENT PLAN

COUNCIL/ MGMT OBJECTIVE			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
PRIORITY	Citizen/Council Directed							
1.2	EN615	Cross-Town Connector	\$ 2,700,000	\$ -	\$ 1,650,000	\$ 1,650,000	\$ -	\$ 6,000,000
1.3, 2.2	CM001	Beach Acquisition	6,585,000	-	-	-	11,346,132	17,931,132
1.6	EVENT	Multi-Use Convention/Sports/Comm Ctr	75,000	-	-	-	-	75,000
1.4, 2.3	UNDER	Undergrounding	250,000	780,000	375,000	-	-	1,405,000
1.8	TR621	Transit Trolley	25,000	-	-	-	-	25,000
1.9	MARINA	City Marina	75,000	-	-	-	-	75,000
1.7	ANNEX	Annexation Study	10,000	-	-	-	-	10,000
	Renewal & Replacement							
3.2	RR051	General Government	195,000	22,500	51,500	28,500	142,500	440,000
3.2	RR052	Public Safety	217,044	259,544	132,544	128,044	239,500	976,678
3.2	RR053	Physical Environment (Stormwater, Cemetery)	26,307	26,307	26,307	26,307	26,307	131,533
1.10, 3.2, 3.7	RR054	Roads, Sidewalks, Street Lighting (Gas Tax 1)	1,018,000	1,011,667	1,031,667	1,011,667	1,011,667	5,084,667
3.2	RR057	Parks and Recreation	602,751	331,512	537,512	329,512	362,512	2,163,799
3.2	RRVEH	Vehicles	463,427	-	-	-	-	463,427
	Growth Necessitated & Comp Plan							
	LB002	Library Impact Fee Projects	24,000	10,000	120,000	-	-	154,000
4.10	NORG1	Norriego Point Road	350,000	-	-	-	-	350,000
	RC004	Park Impact Fee Projects	-	-	-	-	-	-
4.14	SW54	Stormwater Improvements	60,000	60,000	-	-	-	120,000
1.5, 4.8	TR618	Zerbe-Calhoun Pedestrian Pathway	-	-	-	-	-	-
1.10	TR619	Sibert-Zerbe Parking Lot Consolidation	150,000	-	-	-	-	150,000
3.9	TR620	ADA Transition - Pedestrian Facilities	142,000	-	-	-	-	142,000
1.10	TR622	General Parking Improvements (FY22 kiosk)	30,000	75,000	100,000	-	-	205,000
	Other Capital Projects							
	CE001	Code Compliance Vessel	41,000	-	-	-	-	41,000
3.3, 4.7	CRH63	Captain Royal Melvin Heritage Park and Plaza (R	706,530	-	-	-	-	706,530
3.5	CRH64	Harbor CRA Wayfinding Plan Signage	-	150,000	-	-	-	150,000
4.2	CRH65	Harbor Capacity Study	-	-	-	-	-	-
4.15	CRT17	Town Center CRA Easement Trail/Linear Park	-	270,000	50,000	1,000,000	-	1,320,000
3.5	CRT64	Town Center CRA Wayfinding Plan Signage	-	100,000	-	-	-	100,000
3.5	TR64	General Wayfinding Plan Signage	100,000	-	-	-	-	100,000
3.2	IT002	CD Tech Fund Hardware/Software Replacement	75,000	225,000	-	-	-	300,000
	IT003	Other Hardware/Software Replacements	50,000	-	-	100,000	-	150,000

	LB001	Library Tablet Station & Biblioteca RFID and Mo	57,904	-	-	-	-	57,904
	NPDES	National Pollutant Discharge Elimination System	32,500	32,500	32,500	32,500	32,500	162,500
	PW015	Vehicle WashDown Station	-	-	-	-	-	-
	RC124	Morgan's Children's Park Playground Structure	51,745	-	-	-	-	51,745
	RC125	Buck Destin Restrooms	135,000	-	-	-	-	135,000
4.16	RC127	Pickleball Court	400,000	-	-	-	-	400,000
	RC128	Morgan's Bathrooms/Storage/Fieldhouse	250,000	-	-	-	-	250,000
	RC129	World's Luckiest Fishing Pond at X-Town Park	-	-	-	-	-	-
	RC130	Cultural Facilities Grant Bldg Improvements	-	-	-	-	-	-
3.3, 4.11	RC216	Clement Taylor Park Renovations	764,918	-	-	-	-	764,918
	SW55	Mobile Pumps and Hoses (Flood Prevention)	-	-	-	-	-	-
	ARP	Infrastructure Project TBD	790,000	790,000	-	-	-	1,580,000
	TRSAF	Intersection Safety	100,000	-	-	-	-	100,000
Total Projects			\$ 16,553,126	\$ 4,144,030	\$ 4,107,030	\$ 4,306,530	\$ 13,161,117	\$ 42,271,832

Funding Sources			FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	Total
TC CRA	10258500	TOWN CENTER CRA	\$ -	\$ 370,000	\$ 50,000	\$ 1,000,000	\$ -	\$ 1,420,000
Harbor CRA	11058500	HARBOR CRA	-	150,000	150,000	-	-	300,000
Parking Fund	12254500	PARKING FUND	126,000	95,667	120,667	20,667	20,667	383,667
Tech Fund	12552329	TECHNOLOGY FUND	-	-	-	-	-	-
Oka 1/2 Penny	12953831	OKA 1/2 STORMWATER	-	-	-	-	-	-
Oka 1/2 Penny	12953931	OKA 1/2 UNDERGROUNDING	250,000	780,000	225,000	-	-	1,255,000
Oka 1/2 Penny	12957231	OKA 1/2 BEACH ACQ	2,699,850	-	-	-	4,651,914	7,351,764
Gas Taxes	30054131	GAS TAX#1 RR ROADS	440,000	509,000	509,000	509,000	509,000	2,476,000
Half Cent	30058585	RR GENERAL	1,986,529	1,121,863	1,249,863	994,363	1,252,819	6,605,437
Grant	30553833	FL DEM STRMWTR GRANT	-	-	-	-	-	-
Grant	30554133	FDOT TRIP GRANT	2,700,000	-	-	-	-	2,700,000
Grant	30554137	OKA BOCC X-TOWN GRANT	-	-	1,650,000	1,650,000	-	3,300,000
Grant	30557133	LIBRARY/MUSEUM GRANTS	57,904	-	-	-	-	57,904
Grant	30557233	RESTORE PARK GRANT	1,286,448	-	-	-	-	1,286,448
Grant	30557237	TDC BEACH ACQ GRANT	3,885,150	-	-	-	6,694,218	10,579,368
General Fund	30558500	GENERAL FUND	1,205,700	225,000	-	100,000	-	1,530,700
Impact Fees	31552000	POLICE IMPACT FEES	11,300	-	-	-	-	11,300
Impact Fees	31553732	NPEB IMPACT FEES	36,500	32,500	32,500	32,500	32,500	166,500
Grant	31553833	STORMWATER	60,000	60,000	-	-	-	120,000
Gas Taxes	31554031	GAS TAX#2 COMP PLAN	150,000	-	-	-	-	150,000
Impact Fees	31554032	MULTI-MODAL IMPACT FEES	142,000	-	-	-	-	142,000

Impact Fees	31554132	ROAD IMPACT FEES	350,000	-	-	-	-	350,000
Impact Fees	31557132	LIBRARY IMPACT FEES	24,000	10,000	120,000	-	-	154,000
Impact Fees	31557232	PARK IMPACT FEES	325,000	-	-	-	-	325,000
Grant	31557236	MORGANS KID PARK GRANT	26,745	-	-	-	-	26,745
Grant	30553937	AMERICAN RESCUE PLAN	790,000	790,000	-	-	-	1,580,000
Total Sources			\$ 16,553,126	\$ 4,144,030	\$ 4,107,030	\$ 4,306,530	\$ 13,161,117	\$ 42,271,832

*30558500 GF CIP PROJECTS includes General Fund excess cash balances

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 3.B.

TO: City Council

THRU: Webb Warren, Deputy City Manager
Kyle Bauman, City Attorney
Lance Johnson, City Manager

FROM: Krystal Strickland, Finance Director

DATE: January 12, 2021

SUBJECT: Operations Financial Report

I. BACKGROUND: This item is informational only.

II. DISCUSSION: Attached, please find a balance sheet and Year-to-date (YTD) budget versus actual report.

Year-to-date budget versus actual reports shall be provided to Council within forty-five days of the month end. Governmental funds are accounted for on a modified accrual basis.

Details for all funds are on file with the Finance Department, and are available upon request.

A. Link to Strategic Goals / Objectives: Goal #1: Financially sound city providing service excellence

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. 2021 1130 YTD Budget Vs Actuals

City of Destin, Florida

Balance Sheet - Governmental Funds

	01, 700	102	110	111	122, 125, 129	209, 213, 214, 221	300, 305, 315	2021
<i>Period ended November 30,</i>								
	General Fund	1998-2028 or to 2037 Town Center CRA	2003-2043 Harbor CRA	Florida Building Code Fund	Other Special Revenue Funds	Debt Service Funds	Capital Project Funds	Total Governmental Funds
Assets								
Cash and cash equivalents	\$ 12,291,849	\$ 110,348	\$ -	\$ -	\$ 3,929,098	\$ -	\$ 1,587,589	\$ 17,918,884
Investments	14,496,426	-	-	-	-	-	-	14,496,426
Due from other funds	83,143	-	-	-	29,222	-	80,079	192,443
Due from other governments	3,302	-	-	-	-	-	(0)	3,302
Advance to other funds	2,448,824	-	-	-	-	-	-	2,448,824
Accounts receivable - other	20,450	-	-	-	-	-	-	20,450
Prepaid expenditures	-	-	-	-	-	-	-	-
Restricted cash and cash equivalents	-	-	195,506	323,431	-	555,115	4,020,003	5,094,055
Total assets	\$ 29,343,993	\$ 110,348	\$ 195,506	\$ 323,431	\$ 3,958,320	\$ 555,115	\$ 5,687,671	\$ 40,174,384
Liabilities, deferred inflows of resources and fund balances								
Liabilities:								
Accounts payable	184,272	12,565	6,639	5,414	35,510	-	678,970	923,370
Accrued payroll	17,443	-	-	-	-	-	-	17,443
Due to other funds	109,300	-	-	-	1,701	1,363	80,079	192,443
Advance from other funds	-	2,448,824	-	-	-	-	-	2,448,824
Total liabilities	311,015	2,461,388	6,639	5,414	37,211	1,363	759,049	3,582,079
Deferred inflows of resources								
Deferred revenue	262,290	-	-	-	-	-	790,549	1,052,839
Total deferred inflows of resources	262,290	-	-	-	-	-	790,549	1,052,839
Fund balances:								
Nonspendable	2,561,840	-	-	-	-	-	-	2,561,840
Restricted	-	-	176,534	309,443	-	553,751	2,845,861	3,885,589
Committed	10,084,733	-	-	-	3,840,421	-	748,953	14,674,106
Assigned	2,690,997	24,667	12,333	8,574	80,688	-	2,286,369	5,103,628
Unassigned	13,433,118	(2,375,707)	-	-	-	-	(1,743,109)	9,314,302
Total fund balances (deficit)	28,770,688	(2,351,040)	188,867	318,017	3,921,109	553,751	4,138,073	35,539,466
Total liabilities, deferred inflows of resources and fund balances	\$ 29,343,993	\$ 110,348	\$ 195,506	\$ 323,431	\$ 3,958,320	\$ 555,115	\$ 5,687,671	\$ 40,174,384

Nonspendable = Long-term advance to TownCenter CRA \$2,448,823.50 (in 01 fund) plus prepaid expenses

Restricted = Interlocal Agreements, State and Local Regulations (Harbor CRA 110, Florida Building Code Fund 111, Impact Fees 315), Bond covenants (2013, 2014, 2021 Debt Service Funds), Grant Agreements (305)

Committed = Council resolutions, motions, includes fund balance resolution for 1 yr debt service (\$2.7m) + 3 mos emergency ops x 2 (\$6.7m), Tech Fund balance (125), Oka Half Penny fund balance (129)

Assigned = Contracts, purchase orders, unofficial RR fund (300)

Unassigned = Funds with a negative balance (TC CRA 102), net assets not otherwise categorized.

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

SUMMARY ALL FUNDS	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
Ad Valorem Taxes	\$ 9,333,671	\$ 3,372,950		\$ 9,433,101	\$ 5,960,721
Tax Increment Financing (TIF)	1,310,929	-		1,313,239	1,310,929
Delinquent Ad Valorem Taxes	5,000	67		3,861	4,933
Sales and Use Taxes	3,230,855	584,404		3,224,338	2,646,451
Licenses and Permits	3,463,479	505,146		3,454,915	2,958,333
Impact Fees	115,500	12,601		104,812	102,899
Intergovernmental	10,059,280	385,190		7,736,332	9,674,090
Charges for services	749,898	128,170		757,525	621,728
Fines and Forfeitures	59,957	6,264		51,256	53,693
Investment Income	60,120	(112,806)		(76,157)	172,926
Contributions	2,500	366		4,766	2,134
Miscellaneous income	2,701	13,099		15,193	(10,398)
TOTAL REVENUES	28,393,890	4,895,452	-	26,023,182	23,498,438
General Government	4,275,974	492,026	513,345	4,078,987	3,270,603
Public Safety	4,527,264	641,287	1,858,948	4,372,477	2,027,029
Physical Environment	198,821	27,381	5,509	194,085	165,931
Transportation	1,937,012	214,159	54,460	1,777,606	1,668,393
Economic Environment	321,636	23,281	37,000	281,552	261,355
Health & Human Services	101,254	1,045	38,313	48,593	61,896
Culture and Recreation	3,718,780	484,559	117,832	3,589,349	3,116,389
Capital Outlay	16,666,383	723,254	2,284,966	12,253,457	13,658,163
Debt Service	2,669,656	264,908	-	2,677,156	2,404,748
TOTAL EXPENDITURES	34,416,779	2,871,901	4,910,371	29,273,262	26,634,507
Excess (deficiency) of revenues over expenditures	(6,022,890)	2,023,551		(3,250,080)	
Proceeds from issuance of debt	-	-		-	-
Transfers In	6,237,075	488,260		6,195,275	5,748,815
Transfers Out	(6,237,075)	(488,260)		(6,195,275)	(5,748,815)
Total other financing sources (uses)	0	-	-	-	0
Net change in fund balances	(6,022,889)	2,023,551		(3,250,080)	
Fund Balance, Beginning	33,515,915	33,515,915		33,515,915	
Fund Balance, Ending	27,493,025	35,539,466		30,265,835	

* FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

FUND BALANCE SUMMARY ALL FUNDS	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 PROJECTION
Nonspendable	2,448,824	2,561,840	2,561,840
Restricted	2,467,004	3,885,589	2,961,224
Committed	11,930,294	14,674,106	11,100,210
Assigned	1,000,000	5,103,628	1,000,000
Unassigned	9,867,547	9,314,302	12,642,560
Ending Fund Balance	27,493,025	35,539,466	30,265,835

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
01 GENERAL FUND					
01-31 Ad Valorem Taxes	8,574,910	3,372,950		8,674,340	5,201,960
01-31 Delinquent Ad Valorem Taxes	5,000	67		3,861	4,933
01-31 Sales and Use Taxes	1,608,694	303,551		1,588,727	1,305,143
01-32 Licenses and Permits	2,826,871	373,074		2,825,156	2,453,797
01-32 Impact Fees	-	-		-	-
01-33 Intergovernmental	2,763,870	385,190		2,774,562	2,378,680
01-34 Charges for Services	331,398	94,532		317,748	236,866
01-35 Fines and Forfeitures	59,957	6,264		51,256	53,693
01-36 Investment Income	58,084	(114,738)		(80,702)	172,822
01-36 Contributions	2,500	366		4,766	2,134
01-36 Miscellaneous Revenue	2,201	13,099		14,818	(10,898)
TOTAL REVENUES	16,233,485	4,434,356	-	16,174,533	11,799,129
01-51 General Government	4,275,974	492,026	513,345	4,078,987	3,270,603
01-52 Public Safety	3,247,402	497,102	1,850,767	3,197,810	899,533
01-53 Physical Environment	198,821	27,381	5,509	194,085	165,931
01-54 Transportation	1,849,512	208,043	54,460	1,695,768	1,587,010
01-55 Economic Environment	14,200	3,613	-	3,613	10,587
01-56 Health & Human Services	101,254	1,045	38,313	48,593	61,896
01-57 Culture and Recreation	3,718,780	484,559	117,832	3,589,349	3,116,389
01-59 Capital Outlay	109,250	8,801	-	90,739	100,449
01-59 Debt Service Principal	78,405	45,439	-	83,310	32,966
01-59 Debt Service Interest	2,511	1,507	-	5,106	1,004
TOTAL EXPENDITURES	13,596,109	1,769,516	2,580,224	12,987,360	9,246,368
Excess (deficiency) of revenues over expenditures	2,637,376	2,664,840		3,187,173	
01-38 Proceeds from Issuance of Debt	-	-		-	-
01-38 Transfers In	-	-		-	-
01-58 Transfers Out	(4,608,306)	(213,587)		(4,574,364)	(4,394,719)
Total other financing sources (uses)	(4,608,306)	(213,587)		(4,574,364)	(4,394,719)
01 Net change in fund balances	(1,970,930)	2,451,253		(1,387,191)	
01 Fund Balance (deficit), Beginning	26,319,435	26,319,435		26,319,435	
01 Fund Balance (deficit), Ending	24,348,505	28,770,688		24,932,244	

** FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

102 TOWN CENTER CRA 1998-2028 OR until Debt Paid 2037 (RESTRICTED; ECON DEV)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
102-31 County TIF	954,620	-		957,717	954,620
102-31 City TIF (Ad Valorem)	402,452	-		402,452	402,452
102-36 Investment Income	1,301	31		1,119	1,270
TOTAL REVENUES	1,358,373	31		1,361,288	1,358,342
102-55 Economic Environment	151,257	12,774	24,667	141,577	113,816
102-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	151,257	12,774	24,667	141,577	113,816
Excess (deficiency) of revenues over expenditures	1,207,116	(12,743)		1,219,711	
102-38 Transfers In	-	-		-	-
102-58 Transfers Out	(731,418)	(121,903)		(731,489)	(609,515)
Total other financing sources (uses)	(731,418)	(121,903)		(731,489)	(609,515)
102 Net change in fund balances	475,698	(134,646)		488,222	
102 Fund Balance (deficit), Beginning	(2,216,394)	(2,216,394)		(2,216,394)	
102 Fund Balance (deficit), Ending	(1,740,696)	(2,351,040)		(1,728,172)	

**FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

110 HARBOR CRA 2003-2043 (RESTRICTED; ECON DEV)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
110-31 County TIF	356,309	-		355,522	356,309
110-31 City TIF (Ad Valorem)	356,309	-		356,309	356,309
110-36 Investment Income	300	45		289	255
TOTAL REVENUES	712,918	45		712,120	712,873
110-55 Economic Environment	156,179	6,894	12,333	136,362	136,951
110-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	156,179	6,894	12,333	136,362	136,951
Excess (deficiency) of revenues over expenditures	556,739	(6,849)		575,758	
110-38 Transfers In	-	-		-	-
110-58 Transfers Out	(481,057)	(80,527)		(481,057)	(400,530)
Total other financing sources (uses)	(481,057)	(80,527)		(481,057)	(400,530)
110 Net change in fund balances	75,682	(87,376)		94,700	
110 Fund Balance (deficit), Beginning	276,243	276,243		276,243	
110 Fund Balance (deficit), Ending	351,925	188,867		370,944	

**FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

111 FLORIDA BUILDING CODE FUND (RESTRICTED; PUBLIC SAFETY)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
111-32 Licenses and Permits	636,608	132,072		629,760	504,536
111-36 Investment Income	60	-		45	60
TOTAL REVENUES	636,668	132,072		629,805	504,596
111-52 Public Safety	1,152,362	111,665	8,181	1,067,772	1,032,516
111-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	1,152,362	111,665	8,181	1,067,772	1,032,516
Excess (deficiency) of revenues over expenditures	(515,694)	20,407		(437,968)	
111-38 Transfers In	328,507	-		283,115	328,507
111-58 Transfers Out	(63,210)	(13,140)		(55,280)	(50,070)
Total other financing sources (uses)	265,297	(13,140)		227,835	278,437
111 Net change in fund balances	(250,397)	7,267		(210,133)	
111 Fund Balance (deficit), Beginning	310,750	310,750		310,750	
111 Fund Balance (deficit), Ending	60,353	318,017		100,617	

**FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

122 PARKING FUND (IN GF; TRANSPORTATION)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
122-34 Charges for Services	418,500	33,638		439,777	384,862
122-36 Investment Income	25	-		19	25
TOTAL REVENUES	418,525	33,638		439,796	384,887
122-54 Transportation	87,500	6,117	-	81,837	81,383
122-59 Capital Outlay	126,000	-	-	94,500	126,000
TOTAL EXPENDITURES	213,500	6,117	-	176,337	207,383
Excess (deficiency) of revenues over expenditures	205,025	27,521		263,458	177,504
122-38 Transfers In	-	-		-	-
122-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	-	-		-	-
122 Net change in fund balances	205,025	27,521		263,458	
122 Fund Balance (deficit), Beginning	-	-		-	
122 Fund Balance (deficit), Ending	205,025	27,521		263,458	

**FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

125 TECH FUND (COMMITTED; IN GF; PUBLIC SAFETY)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
125-36 Investment Income	-	41		62	(41)
TOTAL REVENUES	-	41		62	(41)
125-52 Public Safety	127,500	32,520	-	106,895	94,980
125-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	127,500	32,520	-	106,895	94,980
Excess (deficiency) of revenues over expenditures	(127,500)	(32,479)		(106,833)	
125-38 Transfers In	139,982	19,931		121,256	120,051
125-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	139,982	19,931		121,256	120,051
125 Net change in fund balances	12,482	(12,548)		14,424	
125 Fund Balance (deficit), Beginning	201,406	201,406		201,406	
125 Fund Balance (deficit), Ending	213,888	188,858		215,830	

*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

129 OKA 1/2 PENNY 01/01/2019-12/31/2029 (COMMITTED; IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
129-31 Sales and Use Taxes	1,390,761	233,368		1,392,336	1,157,393
129-36 Investment Income	150	698		1,183	(548)
TOTAL REVENUES	1,390,911	234,066		1,393,518	1,156,845
129-59 Capital Outlay	3,080,232	49,694	80,688	3,080,232	2,949,850
TOTAL EXPENDITURES	3,080,232	49,694	80,688	3,080,232	2,949,850
Excess (deficiency) of revenues over expenditures	(1,689,321)	184,372		(1,686,714)	
129-38 Transfers In	-	(0)		(0)	0
129-58 Transfers Out	(353,084)	(59,104)		(353,084)	(293,980)
Total other financing sources (uses)	(353,084)	(59,104)		(353,085)	(293,980)
129 Net change in fund balances	(2,042,405)	125,268		(2,039,799)	
129 Fund Balance (deficit), Beginning	3,579,462	3,579,462		3,579,462	
129 Fund Balance (deficit), Ending	1,537,056	3,704,730		1,539,663	

*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

213 DEBT SERVICE 2013 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
213-36 Investment Income	100	32		130	68
TOTAL REVENUES	100	32		130	68
213-59 Debt Service Principal	412,531	-	-	412,531	412,531
213-59 Debt Service Interest	142,713	-	-	142,713	142,713
TOTAL EXPENDITURES	555,245	-	-	555,245	555,245
Excess (deficiency) of revenues over expenditures	(555,145)	32		(555,114)	
213-38 Transfers In	555,245	92,541		555,245	462,704
213-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	555,245	92,541		555,245	462,704
213 Net change in fund balances	100	92,572		130	
213 Fund Balance (deficit), Beginning	93,097	93,097		93,097	
213 Fund Balance (deficit), Ending	93,197	185,669		93,227	

214 DEBT SERVICE 2014 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
214-36 Investment Income	100	66		169	34
TOTAL REVENUES	100	66		169	34
214-59 Debt Service Principal	427,021	-	-	427,021	427,021
214-59 Debt Service Interest	304,397	-	-	304,397	304,397
TOTAL EXPENDITURES	731,418	-	-	731,418	731,418
Excess (deficiency) of revenues over expenditures	(731,318)	66		(731,249)	
214-38 Transfers In	731,418	121,903		731,489	609,515
214-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	731,418	121,903		731,489	609,515
214 Net change in fund balances	100	121,969		240	
214 Fund Balance (deficit), Beginning	245,566	245,566		245,566	
214 Fund Balance (deficit), Ending	245,666	367,535		245,806	

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

221 DEBT SERVICE 2021 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
221-36 Investment Income	-	9		15	(9)
TOTAL REVENUES	-	9		15	(9)
221-59 Debt Service Principal	1,200,000	200,000	-	1,200,000	1,000,000
221-59 Debt Service Interest	102,077	17,962	-	102,077	84,115
221-51 General Government	-	-	-	-	-
TOTAL EXPENDITURES	1,302,077	217,962	-	1,302,077	1,084,115
Excess (deficiency) of revenues over expenditures	(1,302,077)	(217,953)		(1,302,062)	
221-38 Transfers In	1,302,077	217,962		1,302,077	1,084,115
221-58 Transfers Out	-	-		-	-
221-38 Proceeds from issuance of debt	-	-		-	-
Total other financing sources (uses)	1,302,077	217,962		1,302,077	1,084,115
221 Net change in fund balances	-	9		15	
221 Fund Balance (deficit), Beginning	538	538		538	
221 Fund Balance (deficit), Ending	538	547		553	

300 RENEWAL AND REPLACEMENT FUND (IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
300-36 Investment Income	-	332		492	(332)
TOTAL REVENUES	-	332		492	(332)
300-59 Capital Outlay	2,784,199	186,609	569,224	755,832	2,028,367
TOTAL EXPENDITURES	2,784,199	186,609	569,224	755,832	2,028,367
Excess (deficiency) of revenues over expenditures	(2,784,199)	(186,277)		(755,340)	
300-38 Transfers In	1,410,814	101,493		1,433,968	1,309,321
300-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	1,410,814	101,493		1,433,968	1,309,321
300 Net change in fund balances	(1,373,385)	(84,784)		678,628	
300 Fund Balance (deficit), Beginning	1,402,960	1,402,960		1,402,960	
300 Fund Balance (deficit), Ending	29,575	1,318,176		2,081,588	

**FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 11/30/2021

305 GRANT AND GF CAPITAL PROJECT FUND (IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
305-33 Intergovernmental	7,295,410	-		4,961,769	7,295,410
TOTAL REVENUES	7,295,410	-		4,961,769	7,295,410
305-59 Capital Outlay	9,064,442	427,503	1,137,947	6,729,894	7,498,992
TOTAL EXPENDITURES	9,064,442	427,503	1,137,947	6,729,894	7,498,992
Excess (deficiency) of revenues over expenditures	(1,769,032)	(427,503)		(1,768,125)	
305-38 Transfers In	1,769,032	(65,569)		1,768,125	1,834,601
305-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	1,769,032	(65,569)		1,768,125	1,834,601
305 Net change in fund balances	0	(493,071)		0	
305 Fund Balance (deficit), Beginning	(1)	(1)		(1)	
305 Fund Balance (deficit), Ending	(0)	(493,072)		(0)	

*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

315 IMPACT AND OTHER RESTRICTED FUND (RESTRICTED IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANCES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
315-32 Impact Fees	115,500	12,601		104,812	102,899
315-31 Sales and Use Taxes	231,400	47,485		243,275	183,915
315-36 Investment Income	-	677		1,022	(677)
315-36 Miscellaneous Revenue	500	-		375	500
TOTAL REVENUES	347,400	60,763		349,484	286,637
315-59 Capital Outlay	1,502,260	50,648	497,107	1,502,260	954,505
TOTAL EXPENDITURES	1,502,260	50,648	497,107	1,502,260	954,505
Excess (deficiency) of revenues over expenditures	(1,154,860)	10,115		(1,152,775)	
315-38 Transfers In	-	0		(0)	(0)
315-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	-	0		(0)	(0)
315 Net change in fund balances	(1,154,860)	10,115		(1,152,776)	
315 Fund Balance (deficit), Beginning	3,302,853	3,302,853		3,302,853	
315 Fund Balance (deficit), Ending	2,147,993	3,312,968		2,150,077	

*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.C.

TO: City Council

THRU: Lance Johnson, City Manager
Webb Warren, Deputy City Manager
Krystal Strickland, Finance Director

FROM: Michael Burgess, Public Services Director

DATE: 01/10/2022

SUBJECT: Benning Drive Re-striping, authorization

I. BACKGROUND: The City of Destin's FY22 budget has allocated renewal and replacement funding for the re-striping of City streets. Benning Drive, north of the roundabout at Mountain Drive, is in need of re-striping.

II. DISCUSSION: The thermoplastic markings (double yellow center, white edge, bike lane symbols and arrows) and reflective pavement markers are faded on the section of Benning Drive north of the roundabout (~6500 centerline feet). A map depicting the project area and the quote from our road striping contractor are included as ATT1 and ATT2 respectively. The City's original contract and FY22 extension is provided as ATT3.

A. Link to Strategic Goals / Objectives: Strategic Goals 2026:

6. Effective, efficient, and aesthetically pleasing infrastructure.

B. Effect on Budget (EOB): Restriping Benning Drive is estimated to cost \$45,552. Of the funds budgeted for FY 2022 road and sidewalk renewal and replacement, staff recommend using Gas Tax #1.

	12254500			
	Parking	30054131	30058585	
	Fund	Gas Tax#1	GF for RR	TOTAL
565000-RR054	\$ 96,000	\$ 440,000	\$ 482,000	\$ 1,018,000
CIP-Renew/Replace Roads				
FY22 Adopted Budget	96,000	440,000	482,000	1,018,000
Budget Transfers/Amendments	-	-	(60,273)	(60,273)
Revised Budget	96,000	440,000	421,727	957,727
Previous Expenses/Encumbrances	-	-	-	-
Available Program Budget	96,000	440,000	421,727	957,727
This Agreement +(-)	\$ -	\$ (45,552)	\$ -	\$ (45,552)
FY22 Remaining Program Budget	\$ 96,000	\$ 394,448	\$ 421,727	\$ 912,175

C. Level of Service (LOS): Increased day- and night-time visibility of lane markings on a collector-class street. Benning Drive at Kelly Street is an intersection frequented by both children and parents as it is in close proximity to Destin Elementary School.

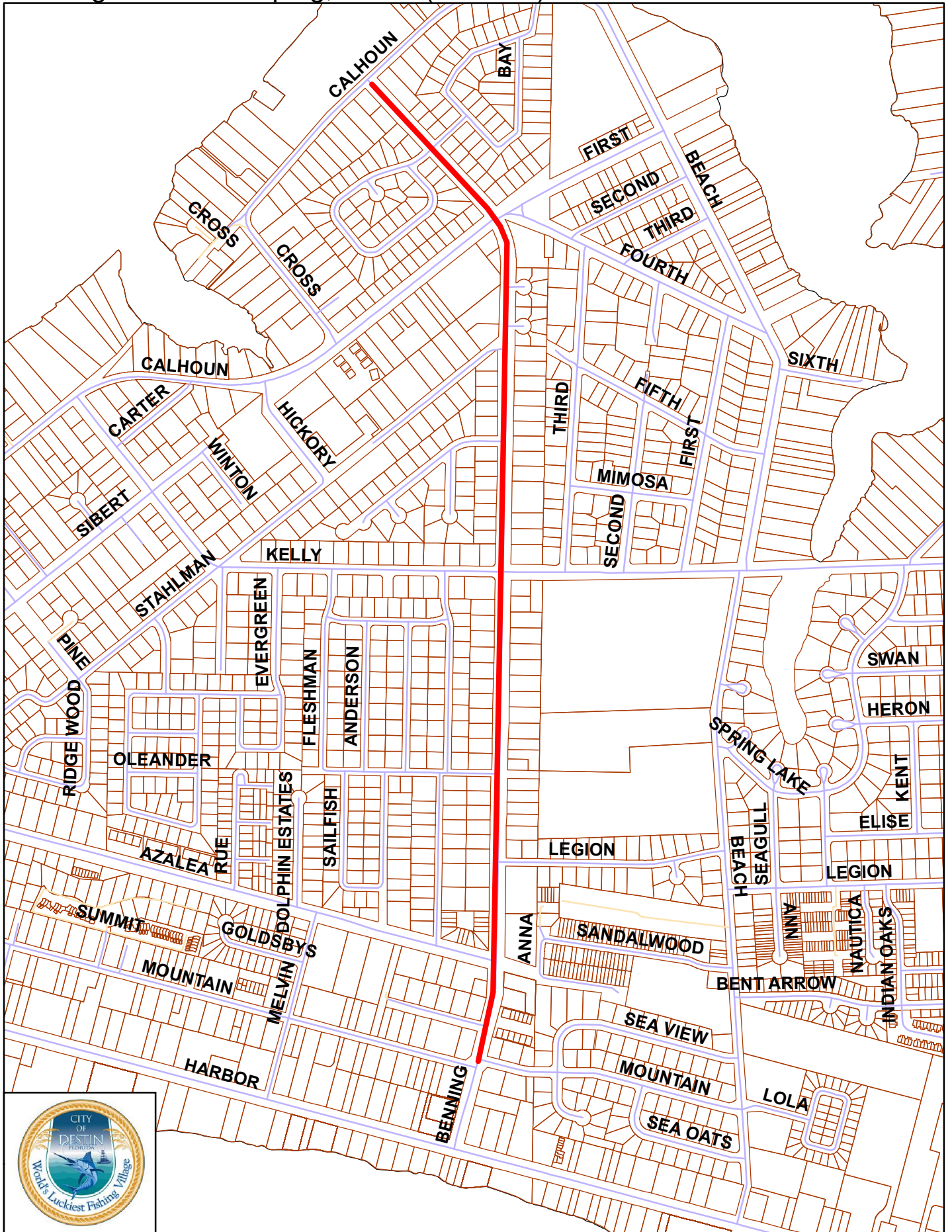
III. CONCLUSION: By passing this motion, City Staff will coordinate with Emerald Coast Striping, the City's continuing service provider for striping, to reapply the long lines, stop bars, crosswalks, messaging, and reflective pavement markers on Benning Drive.

IV. RECOMMENDED MOTION: I move that the City Manager be authorized to have Benning Drive, north of the roundabout, re-striped by the city's continuing services provider, Emerald Coast Striping, for \$45,552.

Attachments:

1. ATT1: Benning Drive Roundabout to Calhoun (project area map)
2. ATT2: Benning Drive restriping quote
3. ATT3: Emerald Coast Striping FY22 extension and Original Contract

Benning Drive Re-striping, FY 22 (~6500 ft)



**EMERALD COAST
STRIPING, L.L.C.**

1901 East Ave.
Panama City, FL 32405
Phone (850) 215-4875 Fax (850) 271-4875

Proposal

DATE January 4, 2022
Quotation # Benning Drive
Moutain Dr to Calhoun
(no sidestreets have been included)

Proposal To:
City of Destin

Comments or special instructions:

Please allow two weeks advance notice for scheduling of crews

DESCRIPTION	UNIT	QUANTITY	PRICE	AMOUNT
6" Solid White, Standard Thermoplastic	LF	12420	\$1.10	\$13,662.00
6" Solid Yellow, Standard Thermoplastic	LF	12420	\$1.10	\$13,662.00
12" Solid White, Standard Thermoplastic	SF	470	\$4.00	\$1,880.00
24" Solid White, Standard Thermoplastic	SF	1020	\$4.00	\$4,080.00
Standard Thermoplastic (STOP) Message	SF	66	\$4.00	\$264.00
Standard Thermoplastic (SCHOOL) Message	SF	66	\$4.00	\$264.00
Preform Thermoplastic Bike Message	EA	35	\$150.00	\$5,250.00
Preform Thermoplastic Bike Arrow	EA	35	\$150.00	\$5,250.00
Reflective Pavement Markers	EA	310	\$4.00	\$1,240.00
			TOTAL	\$ 45,552.00

If you have any questions concerning this quotation, contact Aric Bailey at (850)867-3750 or by email at aric@ecstriping.com

THANK YOU FOR YOUR BUSINESS!

CONTRACT EXTENSION AGREEMENT

This agreement dated the First day of October 2021 is between the City of Destin, Florida ("City"), a Florida municipal corporation, of 4200 Indian Bayou Trail, Destin, Florida, 32541 and Emerald Coast Striping, LLC ("Contractor"). The purpose of this agreement is to extend for fifteen months a contract for road striping services effective October 1, 2020 between the City of Destin and Emerald Coast Striping, LLC to provide miscellaneous road striping services for the City.

This represents the **1st of 4** possible contract extensions.

The following provision amends the contract of the parties and is binding upon them. The Parties mutually agree that the jury trial waiver, and a public records provision are amended as follows:

Jury Trial Waiver:

CONTRACTOR AND CITY AGREE TO WAIVE THEIR RIGHTS TO A TRIAL BY JURY REGARDING ANY LAWSUIT INVOLVING THE INTERPRATION, CONSTRUCTION, ENFORCEMENT, OR GOVERNANCE OF THIS CONTRACT, AND FOR ANY LAWSUIT RELATED IN ANY WAY TO THIS CONTRACT OR FOR THE WORK PERFORMED PURSUANT TO THIS CONTRACT.

Public Records:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF THE CITY CLERK, (850) 837-4242, 4200 INDIAN BAYOU TRAIL, DESTIN, FLORIDA 32541, rbailey@cityofdestin.com

Contractor shall comply with Florida Public Records Laws, specifically to:

- Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
 - Shall immediately provide the City Clerk for the City with any documents requested by the Clerk in response to a public records request.
 - Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
 - Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- It is understood that final authorization for this Agreement must be made by the Destin City Council, and that either party may cancel this contract extension with 30 days written notice.
- Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the Contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.

ORIGINAL

EXHIBIT A – BID FORM

PART I Bid submitted by:

Company: Emerald Coast Striping, LLC

Address: 1901 N. East Avenue

City & State: Panama City, FL Zip Code: 32405

Telephone: (850) 215-4875 Fax: (850) 271-4875

Number of Years in Business: 13 Email: aric@ecstriping.com

PART II Bidding RFB No. 20-10-PS, Miscellaneous Road Striping Continuing Services Contract:

Contractor shall provide proper signs and traffic control measures as per Florida Department of Transportation's Manual on Uniform Traffic Control Devices and the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), current edition. All construction, methods of measurement, and basis of payment shall be in accordance with Division II and III of the Florida Department of Transportation Standards Specifications for Road and Bridge Construction (current edition), copies of which are available from the Florida Department of Transportation.

SERVICE DESCRIPTION AND SPECIFICATIONS

Item	Description	Unit Price	Unit
Four-inch (4") solid painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.15</u>	Linear Foot
Four-inch (4") skip painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.12</u>	Linear Foot
Six-inch (6") solid painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.30</u>	Linear Foot
Six-inch (6") skip painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.18</u>	Linear Foot
Four-inch (4") solid thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>0.65</u>	Linear Foot
Four-inch (4") skip thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>0.55</u>	Linear Foot
Six-inch (6") solid thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>1.00</u>	Linear Foot

Initials of Bidder: AS

It is expressly agreed by the parties that this contract is an extension to the Contract that became effective on October 1, 2020 and the original is made a part hereof as though expressly rewritten, incorporated, and included herein.

It is understood that final authorization for this Agreement must be made by the Destin City Council, and that either party may cancel this contract extension with 30 days written notice.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

Witnesses:

Cheryl Hyren
(Signature)

Richard J. Antergren
(Signature)

City of Destin

By: Lance A. Johnson
Lance A. Johnson
City Manager

ATTEST: Rey Bailey
Rey Bailey
City Clerk



Witnesses:

Stephanie Padgett
(Signature)

Chad Padgett
(Signature)

Emerald Coast Striping, LLC

By: Arc B. L.
(Signature)

Arc Bailey / creations
(Name & Title) **MANAGER**

ATTEST: Faith Cooke
(Signature)

Faith Cooke / office manager
(Name & Title)

CITY OF DESTIN, FLORIDA

CONTRACT

MISCELLANEOUS ROAD STRIPING CONTINUING SERVICES CONTRACT

On September 8 2020, THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, herein referred to as the "**City**," accepted the bid of Emerald Coast Striping LLC, herein referred to as the "**Contractor**," to supply miscellaneous road striping for City properties. The Contractor's Cost Schedule for the terms of their engagement is included in their entirety by reference at Exhibit "A" and as completely as if incorporated herein.

TERMS AND CONDITIONS OF CONTRACT FOR THE MISCELLANEOUS ROAD STRIPING CONTINUING SERVICES CONTRACT:

1. Entire Contract:

This Contract represents the entire and integrated Contract between the City and Contractor and supersedes all prior negotiations, representations or contracts, either written or oral. Provisions of this Contract may be amended only by written instrument approved by the Destin City Council and signed by the City Manager and Contractor.

2. Intent of Contract:

This Contract is for supplying the City with all applicable road striping work for City properties. The Scope of Work, herein referred to as the **Work**, encompasses the foregoing and all descriptive work components described within Exhibit "A".

3. Term of Contract and Renewals:

This contract will be in effect from October 1, 2020 through September 30, 2021, and is for supplying the City with miscellaneous road striping services. Upon mutual agreement of the parties, this contract may be renewed on a year by year basis up to a total four times.

4. Time for Performance:

The Contractor agrees to provide road striping services for the satisfactory approval and acceptance by the City.

5. Compensation:

All payments upon contract are contingent upon the Contractor's Work being acceptable to the City. For satisfactory completion and acceptance of the Work, the City agrees to pay the Contractor in accordance with the terms of this Contract and the Contractor's Cost Schedule as identified in the Bid Form submitted by the Contractor, as may have been adjusted at the time of contract approval and incorporated herein.

a. Requests for Compensation (Invoices) shall be accompanied by the following:

1. A description of the Work performed and a copy of email (or similar) that initiated said Work;
2. An itemized list of goods or services to include materials, flat fees, billable man-hours with rates, and any other payable items identified in Exhibit "A"; and
3. Dates when these services were performed and the names of Contractor's staff who performed billable Work.

6. Changes in the Work:

The City shall have the right at any time during the progress of the Work to increase or decrease the Work. Promptly after having been notified of a change, the Contractor shall submit an itemized estimate of any costs and/or time increases or savings it foresees as a result of the change. No additions or changes to the Work shall be made except upon written order of the City and the City shall not be liable to Contractor for any increased compensation without such written order.

7. Insurance:

Contractor shall, during the performance of the contract, maintain Worker's Compensation Insurance sufficient to secure benefits of the Florida Workmen's Compensation Law for all employees and any of the work sublet to any vendor or subcontractor, Comprehensive General Liability Insurance, Auto Liability Insurance, Builder's Risk Insurance, all with companies and in the form and amounts acceptable to the City. Said certificates of insurance of contractor are attached hereto and made a part hereof by reference. If any part of the work is sublet, similar insurance shall be provided by and in behalf of any subcontractors.

Evidence of Insurance: Contractor shall provide the City Certificates of Insurance naming the City as an additional insured. All binders, policies, or certificates of insurance shall provide for at least ten days notice from insurers to the City of any cancellation or amendment to any of the insurance policies.

8. Indemnification:

Contractor shall indemnify, defend, save, and hold the City, its agents, officers and employees, harmless of and from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including reasonable attorney's fees (including regulatory and appellate fees), arising out of, because of, or due to any accidents arising in any manner on account of the exercise or attempted exercise of Contractor's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of the City.

Contractor shall indemnify, defend, save and hold the City, its agents, officers and employees, harmless of and from and against any and all liens, claims, damages, demands, suits and liabilities, attorney's fees and costs, including appellate attorney's fees and costs, of and for mechanics and materialmen furnishing labor and materials in the performance of this contract.

9. Licensing:

The Contractor shall obtain all permits and maintain at his expense all professional and business certificates and licenses required by law and as necessary to perform services under this Contract. If Contractor performs any Work without obtaining, or contrary to, permits and licenses, Contractor shall bear all costs arising therefrom. The City may waive fees for City controlled permits, but in no instance can the City waive permit requirements nor fees beyond their control.

10. Cancellation:

This contract may be canceled by either party with a thirty-day written notice and is contingent upon the annual appropriation by the City of legally available funds. City's obligation to pay the amount due hereunder in any fiscal year is contingent upon the appropriation by the City Council of legally available funds for the purposes set forth in this contract.

11. Performance of Work/Responsibilities:

For each task, the Contractor will be issued a work order by the City's Public Works Director or

designee. The Public Services Director or designee will issue verbal work orders only in emergency situations. The Contractor shall commence work in a reasonable length of time and shall complete the work in an expeditious manner. In emergency situations, the Contractor shall endeavor to commence work immediately. All work shall be done under the supervision of the City's Public Services Director or designated representative. The performance of Work and responsibilities hereto are outlined and made a part hereof as identified in Exhibit "A".

12. Termination for Default:

The Contract will remain in force for the full period specified and until the City Manager or his designee determines that all requirements and conditions have been satisfactorily met and the City Manager or his designee has accepted the work under the Contract Documents following the initial contract terms and all subsequent contract terms, including warranty and guarantee periods. However, the City Manager will have the right to terminate this Contract sooner if the Contractor has failed to perform satisfactorily the work required or comply with the other requirements of the Contract.

In the event the City Manager decides to terminate this Contract for the Contractor's failure to perform satisfactorily or meet its other responsibilities under the Contract, the City Manager will give the Contractor five (5) days' notice, whereupon the Contract will terminate, unless during the notice period the Contractor cures the failure to perform or meets its other responsibilities under the Contract to the satisfaction of the City Manager.

Upon Contract termination for the Contractor's failure to provide satisfactory contract performance, the Contractor will be entitled to receive compensation for Contract services satisfactorily performed by the Contractor and allocable to the Contract and accepted by the City Manager or his designee prior to such termination. However, an amount equal to all additional costs required to be expended by the City to complete the Work covered by the Contract, including costs of delay in completing the project, shall be either subtracted from any amount due or amount charged to the Contractor in the event the City Manager terminates the Contract.

Except as otherwise directed by the City Manager, or in the case of termination for default (in which event the Contractor may be entitled to cure, at the option of the City Manager), the Contractor shall stop work on the date of receipt of the notice or other date specified in the notice, place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the work not terminated, and terminate all contractor and subcontracts and settle all outstanding liabilities and claims.

In the event that any termination for default shall be found to be improper or invalid by any court of competent jurisdiction, then such termination shall be deemed to have been a termination for convenience.

13. Termination for Convenience:

The performance of work under this Contract may be terminated by the City Manager in whole or in part whenever the City Manager, in their discretion, determines that such termination is in the City's best interest. Any such termination shall be effected by the City Manager giving at least five (5) days' notice to the Contractor, specifying the extent to which performance of the work under this Contract is terminated and the date upon which such termination becomes effective.

As to termination for convenience, after receipt of the date of termination, the Contractor shall stop all work as specified in the notice; place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the Work not terminated; immediately transfer all documentation and paperwork for terminated work to the City; and terminate all contractors and subcontracts

and settle all outstanding liabilities and claims.

14. Disclosure:

Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Contract.

15. Miscellaneous:

15.1 Governing Law

The parties intend that this Contract and the relationship of the parties shall be governed by the laws of the State of Florida. Venue for any action arising out of this contract shall be in Okaloosa County Florida and no where else.

15.2 Severability

If any section, subsection, term or provision of this Contract or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Contract or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable, shall not be affected thereby and each remaining section, subsection, term or provision of this Contract shall be valid or enforceable to the fullest extent permitted by law.

15.3 Sovereign Immunity

The parties further agree, nothing contained herein is intended nor shall be construed to waive the City of Destin's rights and immunities under the Florida constitution, common law or Florida Statutes 768.28, as amended from time to time.

15.4 Construction

The Parties have participated jointly in the negotiation and drafting of this Contract. In the event an ambiguity or question of intent or interpretation arises, this Contract shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provision of this contract.

15.5 Jury Trial Waiver

CONTRACTOR AND CITY AGREE TO WAIVE THEIR RIGHTS TO A TRIAL BY JURY REGARDING ANY LAWSUIT INVOLVING THE INTERPRATION, CONSTRUCTION, ENFORCEMENT, OR GOVERNANCE OF THIS CONTRACT, AND FOR ANY LAWSUIT RELATED IN ANY WAY TO THIS CONTRACT OR FOR THE WORK PERFORMED PURSUANT TO THIS CONTRACT.

15.6 Attorney's Fees

In any dispute relating to this contract each party shall be responsible for their respective attorney's fees and costs.

15.7 Notices

All notices under the Contract shall be in writing and shall be effective when mailed by certified mail, return

receipt requested, or when delivered personally, as provided hereafter, or to such other addresses as may be designated by notice:

As to the City:

Lance A. Johnson
4200 Indian Bayou Trail
Destin, Florida 32541

As to the Contractor:

Emerald Coast Striping LLC
1901 N East Ave
Panama City, FL 32405

15.8 Public Records

Contractor shall comply with Florida Public Records Laws, specifically to:

- a) Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
- b) Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
- c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- d) Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF THE CITY CLERK, (850) 837-4242, 4200 INDIAN BAYOU DRIVE, DESTIN, FLORIDA 32541, rbailey@cityofdestin.com.

IN WITNESS WHEREOF, the City hereunto caused these presents to be subscribed and the Contractor has affixed their name and seal, this the 28TH day of SEPTEMBER, 2020.

ATTEST:

Rey Bailey
City Clerk

CITY OF DESTIN

By: Lance A. Johnson
Lance A. Johnson
City Manager

SEAL

As to Legal Form:



Kyle Bauman, Esq.
City Attorney

Emerald Coast Striping LLC
CONTRACTOR:

By: 

(Signature)



(Printed Name)



Witness



Witness

Its: 

(Title)



EXHIBIT A – BID FORM

PART I Bid submitted by:

Company: Emerald Coast Striping, LLC.
 Address: 1901 N. East Avenue
 City & State: Panama City, FL Zip Code: 32405
 Telephone: (850) 215-4875 Fax: (850) 271-4875
 Number of Years in Business: 13 Email: aric@ecstriping.com

PART II Bidding RFB No. 20-10-PS, Miscellaneous Road Striping Continuing Services Contract:

Contractor shall provide proper signs and traffic control measures as per Florida Department of Transportation's Manual on Uniform Traffic Control Devices and the Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (aka Florida Green Book), current edition. All construction, methods of measurement, and basis of payment shall be in accordance with Division II and III of the Florida Department of Transportation Standards Specifications for Road and Bridge Construction (current edition), copies of which are available from the Florida Department of Transportation.

SERVICE DESCRIPTION AND SPECIFICATIONS

Item	Description	Unit Price	Unit
Four-inch (4") solid painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.15</u>	Linear Foot
Four-inch (4") skip painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.12</u>	Linear Foot
Six-inch (6") solid painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.30</u>	Linear Foot
Six-inch (6") skip painted traffic stripe	Traffic Paint – white or yellow	\$ <u>0.18</u>	Linear Foot
Four-inch (4") solid thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>0.65</u>	Linear Foot
Four-inch (4") skip thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>0.55</u>	Linear Foot
Six-inch (6") solid thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ <u>1.00</u>	Linear Foot

Initials of Bidder: AS

Six-inch (6") skip thermoplastic stripe	Thermoplastic plus reflective beads, white or yellow	\$ 0.85	Linear Foot
Stop Bars (24")	Thermoplastic plus reflective beads or equivalent	\$ 4.00	Square Foot
Crosswalks (12")	Thermoplastic plus reflective beads or equivalent	\$ 4.00	Square Foot
Messaging (School, Bike lane graphics, STOP, etc.)	Thermoplastic plus reflective beads or equivalent	\$ 4.00	Square Foot
Raised Pavement Markers	Material plus installation	\$ 5.00	Each

Please list any additional services with their respective costs below.

Item	Description	Unit Price	Unit

SAFETY NOTE

All work associated with this bid must be conducted with safety in mind. It is expected that the contractor will provide all necessary personal protective equipment that will be utilized by their staff while performing work for the City of Destin. In addition, the contractor will ensure that all FDOT, OSHA and other applicable State and Federal workplace safety guidelines are adhered to while working on behalf of the City of Destin.

The contractor will ensure that work vehicles, equipment and trailers are properly outfitted with proper, adequate and working signage, lightbars, arrow boards, etc.

Part III Certifications

In accordance with your request for Bids, instructions and specifications, attached hereto, and subject to all conditions thereof, I (we), the undersigned, hereby propose and agree if this Bid is accepted, to contract with the City of Destin, Florida to construct any items or furnish any service requested herein and deliver

Initials of Bidder: AS

 ORIGINAL

same without additional cost to the City of Destin at the specified location for the quotations listed above.

The undersigned further declares that he/she has carefully examined the specifications referenced on this Bid Form and is thoroughly familiar with them and their provision(s). He further declares that no other person than the Bidder herein named has any interest in this Bid or in the contract to be executed, and that it is made without any connection with any other person(s) making Bid for the same articles, and it is in all respects fair and without collusion and fraud.

Signature and Certification:

Name and Title of Authorized Representative: Aric Bailey - operations manager

Signature: 

Date of Bid: 8-13-2020

Note: See RFB Section III (page 5), Bid Requirements, and attached all required information to Bid Form.

The City of Destin reserves the right to reject any and all Bids or portions thereof, to waive minor defects in the process and to accept the Bid or any combination of Bid Items or to take any other actions deemed by the City to be in the City's best interest. The City also reserves the right to assign additional work to the successful bidder based on their Bid proposal or negotiation as may be necessary to meet grant funding or completion requirements.

END OF EXHIBIT A

Initials of Bidder: 

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.D.

TO: City Council

THRU: Lance Johnson, City Manager
Webb Warren, Deputy City Manager
Krystal Strickland, Finance Director

FROM: Michael Burgess, Public Services Director

DATE: 01/05/2022

SUBJECT: Renewal & Replacement FY22 - Vehicle, Code Compliance Department

I. BACKGROUND: The FY22 budget provides funding for the replacement of aging vehicles in the City's Fleet.

II. DISCUSSION: This 2022 or 2023 vehicle will replace 05-02, a 2005 Ford F150. One item not included in the State-Contract (25-00000-21-STC) quote is a third programmed key. The additional cost for this key is \$395 per Step-One. The quote for the vehicle is therefore \$29,790 + \$395 (3rd key) = \$30,185.00. The quote is attached as ATT1.

A. Link to Strategic Goals / Objectives: from Strategic Goals 2026:

1: Financially Sound City providing Service Excellence

also:

Emergency Management, ability to respond post-disaster

B. Effect on Budget (EOB): Funds to replace vehicles were included in the adopted FY 2022 budget. Two vehicles ordered in March of 2021 were not received before the beginning of fiscal year 2022, which accounts for the "rollforward" budget amount of \$59,617 to honor those previous year encumbrances.

	TOTAL
30058585-564000-RRVEH	
GF RR-Equip/Machinery-Vehicle	\$ 75,000
Replament	
FY22 Adopted Budget	463,427
Budget Amendments/Txfrs (Rollforwards)	59,617
Revised Budget	523,044
Previous Expenses/Encumbrances	(355,638)
Available Program Budget	167,406
This Agreement +(-)	\$ (30,185)
FY22 Remaining Program Budget	\$ 137,221

C. Level of Service (LOS): Improved safety as this new 4x4 vehicle will have added safety equipment (back sensors and camera) and improved reliability.

III. CONCLUSION: Approving this item will allow the City to replace a 17-year-old vehicle.

IV. RECOMMENDED MOTION: I move that the City Manager be authorized to purchase this vehicle from Step-One Ford of Crestview, FL in the amount of \$30,185.00.

Attachments:

1. ATT1: Destin Ford F150 SuperCab quote

FORD CRESTVIEW

FT WALTON BCH CDJR



STEP ONE AUTOMOTIVE GROUP
4060 FERDON BLVD
CRESTVIEW, FL 32536
ERIC JORE
GOVERNMENT SALES
CELL 407-234-5116
OFFICE 850-292-4580
E-MAIL
EJORE@STEPONEAUTO.COM

PROPOSAL

NAME CITY OF DESTIN

EMAIL

ATTN

DATE 1-4-22

2022 FORD F150 SUPERCAB XL 4WD 145" WB 6.5 BOX	26,365.00
3.3 V-6 ENGINE 10 SPEED AUTO TRANS, LIMITED SLIP REAR AXLE	
VINYL SEATS AND FLOORS	
265/70R -17 TIRES	
POWER WINDOW AND LOCK PKG 101A (INC CRUISE CONTROL	1795.00
BACK UP SENSORS, BACK UP CAMERA)	
RUNNING BOARDS	250.00
XL CHROME PKG BUMPERS, GRILL, WHEELS, FOG LAMPS	775.00
SPRAY BED LINER	595.00
PER STATE CONTRACT 25-00000-21-STC	
UNIT PRICE	29,790.00
IN ORDER BANK	
DELIVERY 120-150 DAYS ARO	

PURCHASER ACKNOWLEDGES:

STEP ONE AUTOMOTIVE IS UNABLE TO GUARANTEE DELIVERY DATES DUE TO MANY FACTORS, NOT LIMITED TO BUT INCLUDING: PRODUCTION SCHEDULES, WEATHER, AVAILABILITY OF RAIL CARS, ETC.

ALL PAYMENTS ARE DUE ON A NET 30 DAY BASIS UPON RECEIPT OF EACH VEHICLE AS INVOICED REGARDLESS OF THE NUMBER OF VEHICLES ON THE PURCHASE ORDER.

We thank you for the opportunity to make this proposal and will appreciate your acceptance. Acceptance of this proposal will not be binding until this proposal is approved here in writing by an official of Step One Automotive. **Return of one copy of this proposal and your purchase order number constitutes your official acceptance.**

Respectfully submitted,
Eric Jore
Government Sales

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.E.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Noell Bell, Chief Building Official
Louis Zunguze, Community Development Director

DATE: January 12, 2022

SUBJECT: Proposed Bert Harris Settlement Agreement for 3487 Scenic Hwy 98

I. BACKGROUND: The subject property owner owns the real property and improvements located at 3487 Scenic Highway 98, Destin, FL 32541, as more particularly described in Exhibit "A" (the "Property") to the proposed settlement agreement.

Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim").

The Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

The City Council should settle the claim if the City Council determines that the modifications within the settlement agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property, as it has done with similarly situated properties in this area with respect to existing occupancy and square footage.

II. DISCUSSION: The structure has heated area of 6,153 square feet and seven bedrooms. Based on Council's prior directive to utilize one occupant per 200 SF for settlement of Bert

Harris claims based on maximum occupancy, the property owner and building official have agreed to a maximum occupancy of 30 occupants for this structure. Therefore, a proposed settlement agreement is attached for Council consideration with a staff recommendation of approval.

The property owner remains bound by all other provisions of City codes.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends approval of the attached proposed settlement agreement, with a maximum occupancy of 30 for this property.

IV. RECOMMENDED MOTION: I move to approve the attached proposed settlement agreement for 3487 Scenic Highway 98.

Attachments:

1. 3487 Hwy 98

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Kimberly Romano Kopp, Esq.
Romano Kopp Law, P.A.
P.O. Box 445
Destin, Florida 32541

For Recording Purposes Only

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this _____ day of _____, 2021, ("Effective Date") by and between, Villa Pensionamento, LLC. ("Owner") and the City of Destin ("City"), collectively referred to as the "Parties."

RECITALS

WHEREAS, on January 22, 2019, the City enacted Ordinance 18-29-CC, the Short-Term Rental Occupancy Ordinance ("Ordinance"), which limits the occupancy of short-term rental homes to two (2) people per bedroom plus an additional four (4) persons; and

WHEREAS, Owner owns the real property and improvements located at 3487 Scenic Highway 98, Destin, FL 32541, as more particularly described in the attached Exhibit "A" (the "Property"); and

WHEREAS, on July 29, 2019, Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim"); and

WHEREAS, the Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property; and

WHEREAS, the City has determined that the modifications to the effect of the Ordinance effected by this Agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property; and

WHEREAS, the Parties now desire to settle and finally resolve all disputes between and among them concerning the Claim.

NOW, THEREFORE, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Occupancy Allowable Under Ordinance.** Owner is hereby granted a variance from the provisions of the Ordinance so that the Owner shall have the right to apply under the Ordinance for a maximum occupancy of thirty (30) overnight guests at the seven (7) bedroom vacation rental property noted above and the City shall grant such occupancy. The right shall continue in perpetuity, regardless of any future changes in ownership, provided that this right shall expire permanently if the Property were to be voluntarily remodeled or voluntarily rebuilt in such a manner as to diminish the number of bedrooms that existed at the date of the Claim.
3. **Development in Accordance with Code.** Notwithstanding any provisions contained herein, the Owner shall at any time have the right and option to remodel, develop, or use the Property in accordance with the applicable ordinances of the City of Destin in effect at the time of application therefor, and this variance shall not be construed as making the Property in any way non-conforming.
4. **Entire Agreement.** The Parties acknowledge that this Agreement constitutes the entire agreement between them regarding the settlement of their dispute and any prior statements, whether oral or written, are merged herein. This Agreement may not be modified or amended without a written instrument signed by the party against whom enforcement is sought.
5. **Duration of Agreement.** This Agreement shall be perpetual and deemed to run with the land, and shall be binding upon and the benefits shall inure to the parties hereto and their respective heirs, devisees, personal representatives, successors and assigns.
6. **Authority.** The signatories to this Agreement are expressly authorized to resolve their dispute as set forth herein and by their signatures here represent and affirm their authority to execute this Agreement.
7. **Governing Law.** The law of the State of Florida shall apply to this Agreement. Any dispute regarding this Agreement shall be litigated exclusively in the courts of Okaloosa County, Florida. The parties expressly consent to such agreed jurisdiction and venue, and waive any objections thereto.
8. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be (i) delivered by hand, (ii) delivered by reputable national or local courier (such as United Parcel

Service or Federal Express), (iii) mailed by United States registered or certified mail, return receipt requested and postage prepaid, or (iv) sent by facsimile transmission provided a confirmation of such facsimile transmission is sent the same day by one of the methods of delivery in (i), (ii), or (iii) above. Any notice shall be addressed to each party at its address as set forth below. Any such notice shall be considered given on the date of such hand delivery, deposit with such courier for same day or next business day delivery, upon receipt of return receipt of certified mail, or receipt of facsimile transmissions, as the case may be, and the time period (if any is provided herein) in which to respond to such notice shall commence on the date of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice. By giving to the other party at least ten (10) days' notice thereof, any party shall have the right from time to time to change the addresses thereof and to specify up to two (2) additional addresses within the United States of America to which copies of notices to it shall be sent. Notice may be given on behalf of any party by such party's counsel. In the event the subject property owner changes, notices shall be addressed to the current owner as indicated in the records of the Okaloosa County Property Appraiser. Otherwise, notices shall be sent as follows:

Each notice shall be addressed as follows:

To City: City of Destin, Florida
Attn:
4200 Indian Bayou Trail
Destin, Florida 32541

With a copy to:

City Land Use Attorney
Romano Kopp Law, PA
PO Box 445
Destin, Florida 32541

To Villa Pensionamento: Villa Pensionamento, LLC
1159 Troon Drive
Miramar Beach, Florida 32550

With a copy to:

Matthews & Jones, LLP
Attn: C. Stephen Tatum
4475 Legendary Drive
Destin, Florida 32541

9. **Attorney's Fees.** In the event of any action, whether pre-suit, mediation, litigation or appellate proceeding to enforce the terms and conditions of this Agreement, each party to the action shall pay its own attorney's fees and costs incurred therein.

10. **Venue.** Venue over any action to enforce the terms and conditions of this Agreement, including mediation, shall lie solely in Okaloosa County, Florida.

Mandie J
Signature of Witness #1

Mandie Stoad
Print or type name

Kathleen Leonard
Signature of Witness # 2

Kathleen Leonard
Print or type name

OWNER: Villa Pensionamento, LLC

Joseph A. Bellinghieri

Kimberly Bellinghieri

STATE OF Pennsylvania
COUNTY OF Chester

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of X physical presence or _____ online notarization, appeared Joseph Bellinghieri and Kimberly Bellinghieri, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing Settlement Agreement and he/she acknowledged before me that he/she executed same.

Kerian Richmond
Signature of Notary

(NOTARY SEAL)

Commonwealth of Pennsylvania - Notary Seal
Kerian Richmond, Notary Public
Chester County
My commission expires December 6, 2024
Commission number 1302390
Member, Pennsylvania Association of Notaries

Kerian Richmond
Print or Type Name

CITY OF DESTIN

By: _____
Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

Date: _____

STATE OF _____
COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of ____ physical presence or _____ online notarization, appeared _____, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing _____ and he/she acknowledged before me that he/she executed same.

Signature of Notary

(NOTARY SEAL)

Print or Type Name

Approved as to form and legality for use and reliance
by the City of Destin, Florida, only.

Kimberly Romano Kopp, Esq.
City Land Use Attorney

Exhibit "A"

Legal Description of Property

Lot 8, GRAND PALMS, according to the Plat thereof as recorded in Plat Book 15, Page(s) 38 and 39, of the Public Records of Okaloosa County, Florida.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.F.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Noell Bell, Chief Building Official
Louis Zunguze, Community Development Director

DATE: January 12, 2022

SUBJECT: Proposed Bert Harris Settlement Agreement for 3472 Scenic Hwy 98

I. BACKGROUND: On January 22, 2019, the City enacted Ordinance 18-29-CC, the Short-Term Rental Occupancy Ordinance ("Ordinance"), which limits the occupancy of short-term rental homes to two (2) people per bedroom plus an additional four (4) persons.

The subject property owner owns the real property and improvements located at 3472 Scenic Highway 98, Destin, FL 32541, as more particularly described in Exhibit "A" (the "Property") to the proposed settlement agreement.

Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim").

The Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

The City Council should settle the claim if the City Council determines that the modifications within the settlement agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property, as it has done with similarly situated properties in this area with respect to existing occupancy and square footage.

II. DISCUSSION: The property owner initially requested a maximum occupancy of thirty (30) occupants, but upon review of the request, the Building Official recommended an occupancy of 28. The property owner has agreed to an occupancy of 28, and a proposed settlement agreement is attached for Council consideration with a staff recommendation of approval. The structure has heated area of 5,350 square feet and five bedrooms.

The property owner remains bound by all other provisions of City codes.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: Staff recommends approval of the proposed settlement agreement with a maximum occupancy of 28.

IV. RECOMMENDED MOTION: I move to approve the attached proposed settlement agreement for 3472 Scenic Highway 98.

Attachments:

1. 3472 Hwy 98

THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:

Kimberly Romano Kopp, Esq.
Romano Kopp Law, P.A.
P.O. Box 445
Destin, Florida 32541

For Recording Purposes Only

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this 25th day of January 2021, ("Effective Date") by and between, Walker Property Investments, LLC ("Owner") and the City of Destin ("City"), collectively referred to as the "Parties."

RECITALS

WHEREAS, on January 22, 2019, the City enacted Ordinance 18-29-CC, the Short-Term Rental Occupancy Ordinance ("Ordinance"), which limits the occupancy of short-term rental homes to two (2) people per bedroom plus an additional four (4) persons; and

WHEREAS, Owner owns the real property and improvements located at 3472 Scenic Highway 98 E, Destin, FL 32541, as more particularly described in the attached Exhibit "A" (the "Property"); and

WHEREAS, on January 21, 2020, Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim"); and

WHEREAS, the Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property; and

WHEREAS, the City has determined that the modifications to the effect of the Ordinance effected by this Agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property; and

WHEREAS, the Parties now desire to settle and finally resolve all disputes between and among them concerning the Claim.

NOW, THEREFORE, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Occupancy Allowable Under Ordinance.** Owner is hereby granted a variance from the provisions of the Ordinance so that the Owner shall have the right to apply under the Ordinance for a maximum occupancy of twenty eight (28) overnight guests at the five (5) bedroom vacation rental property noted above and the City shall grant such occupancy. The right shall continue in perpetuity, regardless of any future changes in ownership, provided that this right shall expire permanently if the Property were to be voluntarily remodeled or voluntarily rebuilt in such a manner as to diminish the number of bedrooms that existed at the date of the Claim.
3. **Development in Accordance with Code.** Notwithstanding any provisions contained herein, the Owner shall at any time have the right and option to remodel, develop, or use the Property in accordance with the applicable ordinances of the City of Destin in effect at the time of application therefor, and this variance shall not be construed as making the Property in any way non-conforming.
4. **Entire Agreement.** The Parties acknowledge that this Agreement constitutes the entire agreement between them regarding the settlement of their dispute and any prior statements, whether oral or written, are merged herein. This Agreement may not be modified or amended without a written instrument signed by the party against whom enforcement is sought.
5. **Duration of Agreement.** This Agreement shall be perpetual and deemed to run with the land, and shall be binding upon and the benefits shall inure to the parties hereto and their respective heirs, devisees, personal representatives, successors and assigns.
6. **Authority.** The signatories to this Agreement are expressly authorized to resolve their dispute as set forth herein and by their signatures here represent and affirm their authority to execute this Agreement.
7. **Governing Law.** The law of the State of Florida shall apply to this Agreement. Any dispute regarding this Agreement shall be litigated exclusively in the courts of Okaloosa County, Florida. The parties expressly consent to such agreed jurisdiction and venue, and waive any objections thereto.
8. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be (i) delivered by hand, (ii) delivered by reputable national or local courier (such as United Parcel Service or Federal Express), (iii) mailed by United States registered or certified mail, return receipt requested and postage prepaid, or (iv) sent by facsimile transmission provided a confirmation of such facsimile transmission is sent the same day by one of the methods of delivery in (i), (ii), or (iii) above. Any

notice shall be addressed to each party at its address as set forth below. Any such notice shall be considered given on the date of such hand delivery, deposit with such courier for same day or next business day delivery, upon receipt of return receipt of certified mail, or receipt of facsimile transmissions, as the case may be, and the time period (if any is provided herein) in which to respond to such notice shall commence on the date of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice. By giving to the other party at least ten (10) days' notice thereof, any party shall have the right from time to time to change the addresses thereof and to specify up to two (2) additional addresses within the United States of America to which copies of notices to it shall be sent. Notice may be given on behalf of any party by such party's counsel. In the event the subject property owner changes, notices shall be addressed to the current owner as indicated in the records of the Okaloosa County Property Appraiser. Otherwise, notices shall be sent as follows:

Each notice shall be addressed as follows:

To City: City of Destin, Florida
 Attn:
 4200 Indian Bayou Trail
 Destin, Florida 32541

With a copy to: City Land Use Attorney
 Romano Kopp Law, PA
 PO Box 445
 Destin, Florida 32541

To Walker Property Investments, LLC: Keith Gamble
 8520 Business Park Drive
 Shreveport, LA 71105

With a copy to: Matthews & Jones, LLP
 Attn: C. Stephen Tatum
 4475 Legendary Drive
 Destin, Florida 32541

9. **Attorney's Fees.** In the event of any action, whether pre-suit, mediation, litigation or appellate proceeding to enforce the terms and conditions of this Agreement, each party to the action shall pay its own attorney's fees and costs incurred therein.

10. **Venue.** Venue over any action to enforce the terms and conditions of this Agreement, including mediation, shall lie solely in Okaloosa County, Florida.

OWNERS:

Mallory Maetsaack
Signature of Witness #1

Mallory Maetsaack
Print or type name

Carol Sandefur
Signature of Witness #2

Carol Sandefur
Print or type name

STATE OF Louisiana

COUNTY OF Caddo

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of X physical presence or _____ online notarization, appeared Keith Gamble, personally known to me or who has produced Driver's License as identification, to be the person described in and who executed the foregoing Keith Gamble and he/she acknowledged before me that he/she executed same.

Raymond Lambrecht
Signature of Notary

(NOTARY SEAL)

Raymond Lambrecht
Print or type name

RAYMOND LAMBRECHT
NOTARY PUBLIC #3630
CADDO PARISH LOUISIANA
MY COMMISSION IS FOR LIFE

CITY OF DESTIN

By: _____
Gary Jarvis, Mayor

Date: _____

ATTEST:

Rey Bailey, City Clerk

Date: _____

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of _____ physical presence or _____ online notarization, appeared _____, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing _____ and he/she acknowledged before me that he/she executed same.

Signature of Notary

(NOTARY SEAL)

Print or Type Name

Approved as to form and legality for use and reliance
by the City of Destin, Florida, only.

Kimberly Romano Kopp, Esq.
City Land Use Attorney

Exhibit "A"

Legal Description of Property

Lot 8, DESTINY SHORES, a planned unit development, according to the plat thereof as recorded in Plat Book 14 at Page 52, of the public records of Okaloosa County, Florida.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.G.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Noell Bell, Chief Building Official
Louis Zunguze, Community Development Director

DATE: January 12, 2022

SUBJECT: Proposed Bert Harris Settlement Agreement for 100 Stingray

I. BACKGROUND: The subject property owner owns the real property and improvements located at 100 Stingray Street, Destin, FL 32541, as more particularly described in Exhibit "A" (the "Property") to the proposed settlement agreement.

Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim").

The Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

The City Council should settle the claim if the City Council determines that the modifications within the settlement agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property, as it has done with similarly situated properties in this area with respect to existing occupancy and square footage.

II. DISCUSSION: After a life safety inspection of the property, the building official recommends approval of the property owner's request for a maximum occupancy of 23.

Therefore, a proposed settlement agreement is attached for Council consideration with a staff recommendation of approval. The structure has heated area of 3,255 square feet and six bedrooms.

The property owner remains bound by all other provisions of City codes.

A. **Link to Strategic Goals / Objectives:**

B. **Effect on Budget (EOB):**

C. **Level of Service (LOS):**

III. CONCLUSION: Staff recommends approval of the proposed Bert Harris settlement agreement and a maximum occupancy of 23 for the property.

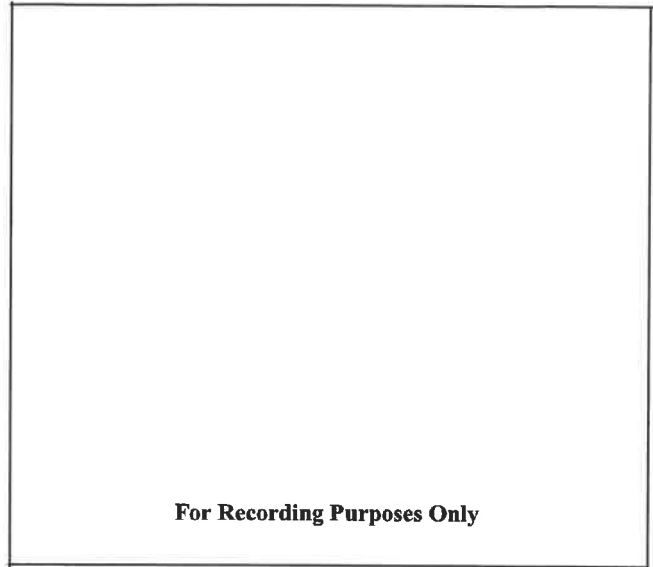
IV. RECOMMENDED MOTION: I move to approve the proposed settlement agreement for 100 Stingray Street.

Attachments:

1. 100 Stingray Settlement

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Kimberly Romano Kopp, Esq.
Romano Kopp Law, P.A.
P.O. Box 445
Destin, Florida 32541



For Recording Purposes Only

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this 3rd day of February 2021, ("Effective Date") by and between, Marc and Fern Skarupa ("Owner") and the City of Destin ("City"), collectively referred to as the "Parties."

RECITALS

WHEREAS, on January 22, 2019, the City enacted Ordinance 18-29-CC, the Short-Term Rental Occupancy Ordinance ("Ordinance"), which limits the occupancy of short-term rental homes to two (2) people per bedroom plus an additional four (4) persons; and

WHEREAS, Owner owns the real property and improvements located at 100 Stingray Street, Destin, FL 32541, as more particularly described in the attached Exhibit "A" (the "Property"); and

WHEREAS, on January 21, 2020, Owner filed a claim with the City, pursuant to the provisions of §70.001, Florida Statutes, the Bert J. Harris, Jr., Private Property Rights Protection Act (the "Harris Act"), alleging that the Property had been inordinately burdened by the adoption of the Ordinance, (the "Claim"); and

WHEREAS, the Harris Act provides for the City to have the ability to enter into a settlement agreement which would have the effect of a modification or variance to the application of a regulation or ordinance as it would otherwise apply to the subject real property, provided the relief granted protects the public interest served by the regulations at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property; and

WHEREAS, the City has determined that the modifications to the effect of the Ordinance effected by this Agreement protect the public interest served by the Ordinance and are the appropriate relief necessary to prevent the regulatory effect of the Ordinance from inordinately burdening the Property; and

WHEREAS, the Parties now desire to settle and finally resolve all disputes between and among them concerning the Claim.

NOW, THEREFORE, the Parties hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and are incorporated herein by reference.
2. **Occupancy Allowable Under Ordinance.** Owner is hereby granted a variance from the provisions of the Ordinance so that the Owner shall have the right to apply under the Ordinance for a maximum occupancy of twenty three (23) overnight guests at the six (6) bedroom vacation rental property noted above and the City shall grant such occupancy. The right shall continue in perpetuity, regardless of any future changes in ownership, provided that this right shall expire permanently if the Property were to be voluntarily remodeled or voluntarily rebuilt in such a manner as to diminish the number of bedrooms that existed at the date of the Claim.
3. **Development in Accordance with Code.** Notwithstanding any provisions contained herein, the Owner shall at any time have the right and option to remodel, develop, or use the Property in accordance with the applicable ordinances of the City of Destin in effect at the time of application therefor, and this variance shall not be construed as making the Property in any way non-conforming.
4. **Entire Agreement.** The Parties acknowledge that this Agreement constitutes the entire agreement between them regarding the settlement of their dispute and any prior statements, whether oral or written, are merged herein. This Agreement may not be modified or amended without a written instrument signed by the party against whom enforcement is sought.
5. **Duration of Agreement.** This Agreement shall be perpetual and deemed to run with the land, and shall be binding upon and the benefits shall inure to the parties hereto and their respective heirs, devisees, personal representatives, successors and assigns.
6. **Authority.** The signatories to this Agreement are expressly authorized to resolve their dispute as set forth herein and by their signatures here represent and affirm their authority to execute this Agreement.
7. **Governing Law.** The law of the State of Florida shall apply to this Agreement. Any dispute regarding this Agreement shall be litigated exclusively in the courts of Okaloosa County, Florida. The parties expressly consent to such agreed jurisdiction and venue, and waive any objections thereto.
8. **Notices.** Any notice required or permitted to be given hereunder shall be in writing and shall be (i) delivered by hand, (ii) delivered by reputable national or local courier (such as United Parcel Service or Federal Express), (iii) mailed by United States registered or certified mail, return receipt requested and postage prepaid, or (iv) sent by facsimile transmission provided a confirmation of such facsimile transmission is sent the same day by one of the methods of delivery in (i), (ii), or (iii) above. Any

notice shall be addressed to each party at its address as set forth below. Any such notice shall be considered given on the date of such hand delivery, deposit with such courier for same day or next business day delivery, upon receipt of return receipt of certified mail, or receipt of facsimile transmissions, as the case may be, and the time period (if any is provided herein) in which to respond to such notice shall commence on the date of receipt. Rejection or other refusal to accept or inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice. By giving to the other party at least ten (10) days' notice thereof, any party shall have the right from time to time to change the addresses thereof and to specify up to two (2) additional addresses within the United States of America to which copies of notices to it shall be sent. Notice may be given on behalf of any party by such party's counsel. In the event the subject property owner changes, notices shall be addressed to the current owner as indicated in the records of the Okaloosa County Property Appraiser. Otherwise, notices shall be sent as follows:

Each notice shall be addressed as follows:

To City: City of Destin, Florida
 Attn:
 4200 Indian Bayou Trail
 Destin, Florida 32541

With a copy to: City Land Use Attorney
 Romano Kopp Law, PA
 PO Box 445
 Destin, Florida 32541

To Marc Skarupa: Marc Skarupa
 3832 Indigo Circle
 Destin, FL 32541

With a copy to: Matthews & Jones, LLP
 Attn: C. Stephen Tatum
 4475 Legendary Drive
 Destin, Florida 32541

9. **Attorney's Fees.** In the event of any action, whether pre-suit, mediation, litigation or appellate proceeding to enforce the terms and conditions of this Agreement, each party to the action shall pay its own attorney's fees and costs incurred therein.

10. **Venue.** Venue over any action to enforce the terms and conditions of this Agreement, including mediation, shall lie solely in Okaloosa County, Florida.

OWNERS:

Adrienne Lynn Ashley
Signature of Witness #1

Adrienne Lynn Ashley
Print or type name

Tammy S. Amaru
Signature of Witness #2

Tammy S. Amaru
Print or type name

Marc Skarupa
Marc Skarupa

Fern Skarupa
Fern Skarupa

STATE OF Florida

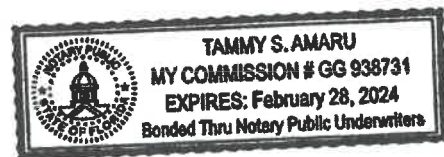
COUNTY OF Okaloosa

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of ✓ physical presence or _____ online notarization, appeared _____, personally known to me or who has produced FL driver's license as identification, to be the person described in and who executed the foregoing Settlement Agreement and he/she acknowledged before me that he/she executed same.

Tammy S. Amaru
Signature of Notary

(NOTARY SEAL)

Tammy S. Amaru
Print or type name



CITY OF DESTIN

By: _____
Gary Jarvis, Mayor

Date: _____

ATTEST:

Rey Bailey, City Clerk

Date: _____

STATE OF _____

COUNTY OF _____

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, by means of ____ physical presence or ____ online notarization, appeared _____, personally known to me or who has produced _____ as identification, to be the person described in and who executed the foregoing _____ and he/she acknowledged before me that he/she executed same.

Signature of Notary

(NOTARY SEAL)

Print or Type Name

Approved as to form and legality for use and reliance
by the City of Destin, Florida, only.

Kimberly Romano Kopp, Esq.
City Land Use Attorney

Exhibit "A"

Legal Description of Property

Lot 8, Block 21, Crystal Beach, according to the plat thereof as recorded in Plat Book 1, Page 17, of the Public Records of Okaloosa County, Florida.

OFFICE of VITAL STATISTICS

CERTIFIED COPY

TYPE IN
PERMANENT
BLACK INK

FLORIDA CERTIFICATE OF DEATH

1. DECEASED'S NAME (First, Middle, Last, Suffix) Fern Robin Skarupa		2. SEX Female	
3. DATE OF BIRTH (Month, Day, Year) October 21, 1954		5. DATE OF DEATH (Month, Day, Year) December 27, 2009	
4a. AGE - Last Birthday (Years) 55		4b. UNDER 1 YEAR Months _____ Days _____ Hours _____ Minutes _____	
6. SOCIAL SECURITY NUMBER 043-42-2739		8. COUNTRY OF DEATH Walton	
7. BIRTHPLACE (City and State or Foreign Country) Bristol, Connecticut		9. PLACE OF DEATH (Check only one) HOSPITAL: ☒ Inpatient _____ Emergency Room/Outpatient _____ NON-HOSPITAL: ☐ Hospice Facility _____ ☐ Nursing Home/Long Term Care Facility _____ ☐ Decedent's Home _____ Other (Specify) _____	
10. FACILITY NAME (If not institution, give street address) Sacred Heart on the Emerald Coast		11a. CITY, TOWN, OR LOCATION OF DEATH Miramar Beach	
12. MARITAL STATUS (Specify) ☒ Married _____ Married, but Separated _____ Widowed _____ Divorced _____ Never Married _____		13. SURVIVING SPOUSE'S NAME (If wife, give maiden name) Marc W. Skarupa	
14a. RESIDENCE - STATE Florida		14b. COUNTY Okaloosa	
14c. STREET ADDRESS 100 Stingray Street		14d. ZIP CODE 32541	
15a. DECEASED'S USUAL OCCUPATION (Indicate type of work done during most of working life.) Administrative Assistant		15b. KIND OF BUSINESS/INDUSTRY Contracting	
16. DECEASED'S RACE (Specify the race/ethnicity to indicate what decedent considered himself/herself to be. More than one race may be specified.) ☒ White _____ Black or African American _____ American Indian or Alaskan Native (Specify tribe) _____ _____ Asian Indian _____ Chinese _____ Filipino _____ Japanese _____ Korean _____ Vietnamese _____ Other Asian (Specify) _____ _____ Native Hawaiian _____ Guamanian or Chamorro _____ Samoan _____ Other Pacific Is. (Specify) _____ Other (Specify) _____			
17. DECEASED OF HISPANIC OR LANTIAN ORIGIN? (Specify if decedent was of Hispanic or Lantian Origin.) _____ Yes (If Yes, specify) ☒ No _____ Mexican _____ Puerto Rican _____ Cuban _____ Central/South American _____ Other Hispanic (Specify) _____			
18. DECEASED'S EDUCATION (Specify the decedent's highest degree or level of school completed at time of death.) ☒ 8th or less _____ High school but no diploma _____ High school diploma or GED _____ _____ College but no degree _____ College degree (Specify) _____ Associate's _____ Bachelor's _____ Master's _____ Doctorate _____			
19. WAS DECEASED EVER IN U.S. ARMED FORCES? _____ Yes ☒ No			
20. FATHER'S NAME (First, Middle, Last, Suffix) Fernand Phoenix		21. MOTHER'S NAME (First, Middle, Last, Suffix) Barbara Laugon	
22. INFORMANT'S NAME Marc W. Skarupa		23. RELATIONSHIP TO DECEASED Husband	
24. CITY OR TOWN Destin		25. STREET ADDRESS 100 Stingray Street	
26. PLACE OF DISPOSITION (Place of cemetery, crematory, or other place) Okaloosa Crematory		27a. LOCATION - STATE Florida	
27b. LOCATION - CITY OR TOWN Fort Walton Beach		28. METHOD OF DISPOSITION Burial _____ Entombment _____ ☒ Cremation _____ Donation _____ Partially Buried _____ Other (Specify) _____	
29. IF CREMATION, DONATION OR BURIAL AT SEA, WAS MEDICAL EXAMINER APPROVAL GRANTED? ☒ Yes _____ No _____		30. LICENSE NUMBER (of License) F044935	
31. SIGNATURE OF DECEASED, MEDICAL EXAMINER OR PERSON ACTING AS SUCH <i>[Signature]</i>			
32. NAME OF FUNERAL FACILITY Twin Cities Cremation Services and Funeral Home		33. FACILITY'S MAILING - STATE Florida	
34. CITY OR TOWN Niceville		35. STREET ADDRESS 1405 John Sims Pkwy E	
36. ZIP CODE 32578		37. DATE OF DEATH (Month, Day, Year) 12/27/09	
38. TIME OF DEATH (24 hr) 0017		39. MEDICAL EXAMINER'S CASE NUMBER	
40. LICENSE NUMBER (of License) ME65239		41. CERTIFICATION NAME Gilbert L. Vigo MD	
42. CERTIFIERS - STATE Florida		43. CITY OR TOWN Fort Walton Beach	
44. STREET ADDRESS 1005 Mar Walt Drive		45. ZIP CODE 32547	
46. SURREGISTRAR - Signature and Date <i>[Signature]</i> 30 Dec 09		47. LOCAL REGISTRAR - Signature <i>[Signature]</i>	
48. DATE FILED BY REGISTRAR (M, D, Y) December 31, 2009		49. DATE BY REGISTRAR (M, D, Y)	

Bureau of Florida Department of Health, Vital Statistics

MEDICAL CERTIFIER

Department of Health
Walton County Health DepartmentDate **DEC 31 2009***Harriet Simmons*

THE ABOVE SIGNATURE CERTIFIES THAT THIS IS A TRUE AND CORRECT COPY OF THE OFFICIAL RECORD ON FILE IN THIS OFFICE.
THIS DOCUMENT IS PRINTED OR PHOTOCOPIED ON SECURITY PAPER WITH A WATERMARK OF THE GREAT SEAL OF THE STATE OF FLORIDA ON THE FRONT, AND THE BACK CONTAINS SPECIAL LINES WITH TEXT AND SEALS IN THERMOCHROMIC INK.

WARNING:

DH FORM 1946 (08-04)

Inst. #3174677 Bk. 3327 Pg. 3244
Page 1 of 1 Recorded: 11/29/2017 4:14 PM
RECORDING ARTICLE V: \$4.00 RECORDING: \$6.00

DEPUTY CLERK MSMITH
JD PEACOCK II CLERK OF COURTS,
OKALOOSA COUNTY, FLORIDA



**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 3, 2022
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 Bobby Wagner
Councilmember Johnny King

Councilmember Terésa Hebert
Councilmember Jim Bagby
Councilmember Rodney Braden
Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Public Info Manager Catherine Card
Grants/Project Manager Jeffrey Cozadd
Building Official Noelle Bell
Human Resources Manager Nichole DeVito
Senior Planner Daniel Butler
Code Compliance Deputy Director Kris Mercurio
Land Use Attorney Kim Kopp

Deputy City Manager Webb Warren
Finance Director Krystal Strickland
Code Compliance Manager Joey Forgione
Public Works Director Michael Burgess
Library Director Wen Livingston
Parks & Recreation Director Lisa Firth
Principal Planner Steve O'Connor
IT Director Matthew Pace
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 pm; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

The mayor announced that item 5B under PUBLIC HEARING has been pulled from the agenda per request by the applicant.

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

1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS

A. Employee of the Year 2021, City of Destin

The mayor presented an award certificate and plaque to IT Director Matthew Pace, the 2021 City of Destin Employee of the Year.

B. 2021 Destin Christmas Parade Winners

The mayor recognized and presented a plaque to the 2021 Destin Christmas Parade winners.

AWARD CATEGORY	AWARD WINNER
Noel Award/Band Award	McGuire's Irish Pub Pipe Band
Elf Award/Children Service	Destin Middle School Cheerleaders
Santa's Helper Award/Children Commercial	RISE Dance Team
Civic Club/Civic Award	Krewe of Bowlegs
Chamber Award/Commercial	Destin Water Users
Angel Award/Religious Award	Shoreline Church
Crowd Pleaser	Legendary Marina & Yacht Club

C. Recognition of 2021 Holiday Decorating Contest Winners

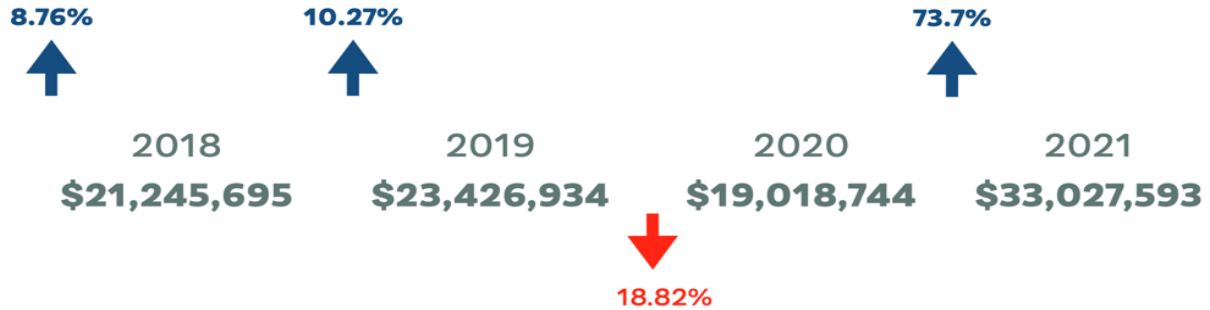
The mayor recognized and presented a plaque to the 2021 Holiday Decorating Contest winners.

AWARD CATEGORY	AWARD WINNER
Best Home	Chatham Morgan 802 Dawn Lane
Best Organization	The Palms of Destin 4201 Indian Bayou Trail
Best Business	King's Furniture & Mattress Co., Inc. 737 Harbor Blvd
Best of Holiday	David Stowe 4117 Burning Tree Drive

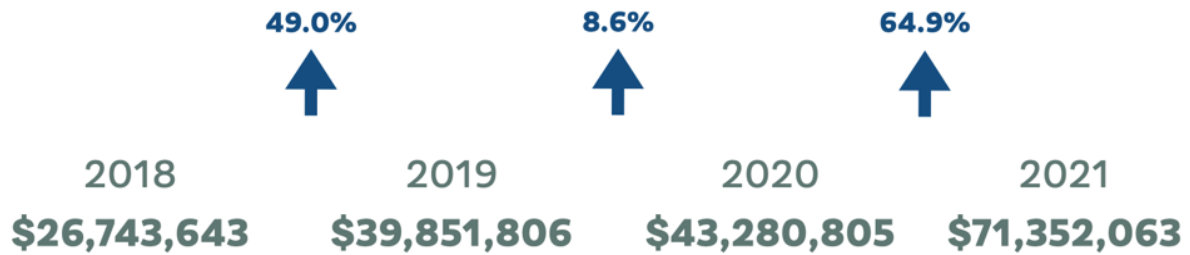
D. Okaloosa Tourism Development Department (TDD) Update - TDD Director Jennifer Adams

Tourist Development Department Director Jennifer Adams gave the following presentation:

Tourist Development Tax Growth



Local Sales & Gas Tax



Spend Growth - \$736 million

- Objective – 10% increase
- Goal: \$552 million
- 30% over goal
- \$184 million more into restaurants, charter captains, paddle board rentals, mom and pops, in the community

Our Families

KIDS AGE 3-10

“MILLENNIAL” PARENTS

NEW EXPERIENCES SLOW TIME
DOWN

ADVENTURES ARE A CHALLENGE

SELF CONFIDENCE IS PRICELESS



- Speaking to millennial parents with children ages 3 to 10 years old
- They may perceive adventures with their kids to be a challenge, but they want to instill strength and self-confidence in their children
- Created more opportunities for adventure to help these parents give their children their childhood back

**over 50% of children
spend less time outdoors
than prison inmates**

- 49% of parents cannot figure out how to play with their kids
- There are things children can learn outdoors that they cannot learn anywhere else.
 - This is true of both local kids and visiting kids
- Headline ad in 2020: “Enroll your kids in disorganized sports”
- Headline ad in 2021: “Because childhood isn’t cancelled”
 - Told parents not to cave into allowing society to cancel their children’s childhood
 - Not settle into being a statistic...both them and their children



Key Markets

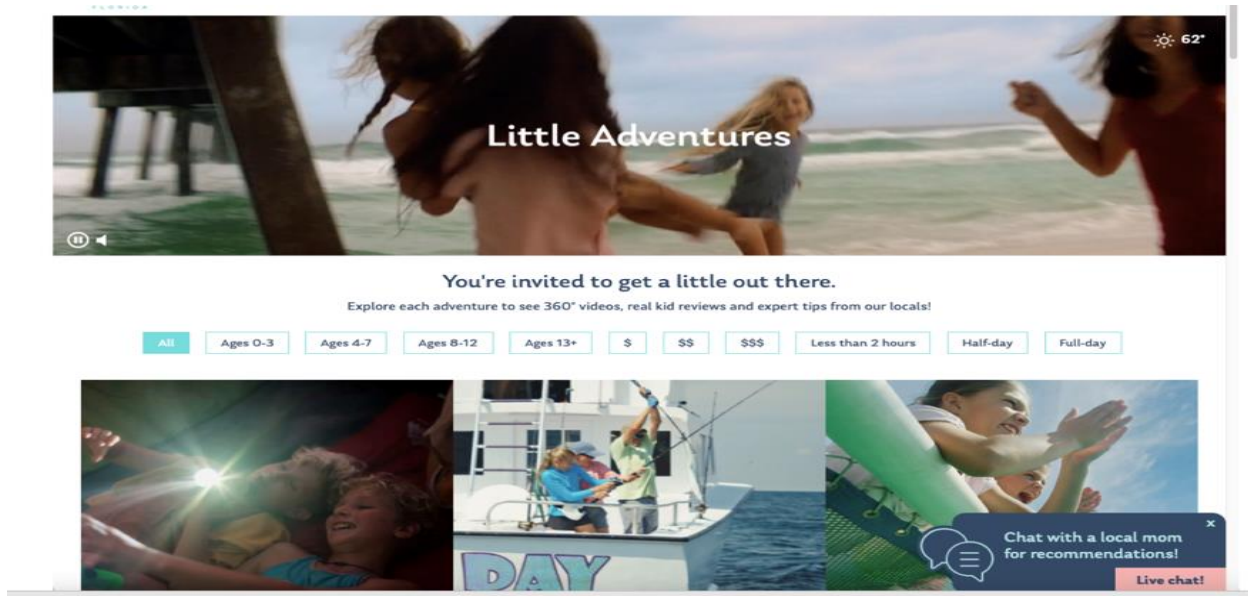
Atlanta
Dallas
Cincinnati
Indianapolis
Washington D.C.
Nashville
Chicago
St. Louis
Detroit
Minneapolis

TOP 10

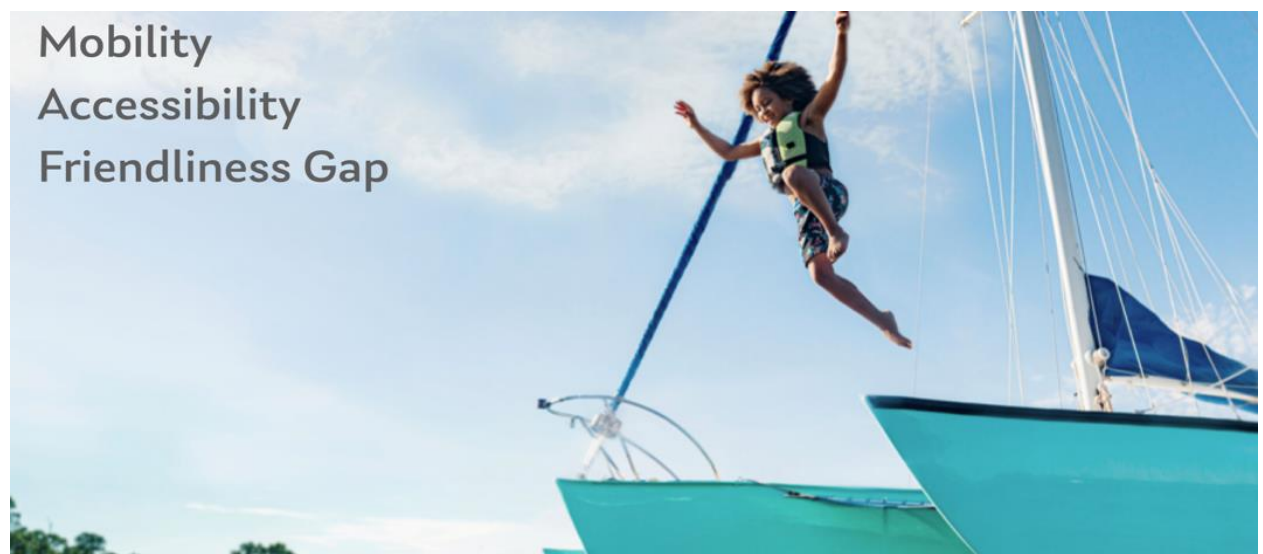
Market YOY Change Peak 2019 VS Peak 2021

GOAL = \$245 Average Spend in Top 10 Markets

Markets	Apr - Sep 19	Apr - Sep 21	% Change
Atlanta	\$165.47	\$190.76	↑ 15.3%
Dallas / Ft Worth	\$222.04	\$229.20	↑ 3.2%
Nashville	\$207.22	\$231.00	↑ 11.5%
St. Louis	\$234.37	\$248.33	↑ 6.0%
Cincinnati	\$229.17	\$241.04	↑ 5.2%
Chicago	\$227.81	\$250.18	↑ 9.8%
Indianapolis	\$229.41	\$242.51	↑ 5.7%
DC / NoVa	\$253.21	\$269.21	↑ 6.3%
Detroit	\$218.65	\$228.47	↑ 4.5%
Minneapolis	\$208.25	\$238.66	↑ 14.6%
Average	\$202.92	\$222.30	↑ 9.6%



- Offers suggestions and ideas for various age ranges
- Digital media initiatives send users directly to the site
- Page views to all Little Adventures pages are up 424%
- Little Adventures landing page engagements are up 62%
 - The most engaged users on the site were females aged 25-44...the moms
 - Want moms to engage and plan their trip before they arrive here
 - Have some kid reviews to show other kids how fun and great their Little Adventure was



- Destination Next study conducted 3 years ago
 - Top 3 challenges were mobility, accessibility to the water and lack of southern hospitality
 - There are several projects on the CIP to address mobility and accessibility. This summer was time to address the friendliness gap...just by being nice
 - Partnered with a local golf cart company and hired team members to drive around Crystal Beach and offer free rides to and from the beach. No fees
 - Gave away free popsicles to families because it's hot
 - Conducted benchmark study (October) in the top 10 markets both before and after this initiative. Strong results...
 - Atlanta benchmark survey finds 82% heard of Little Adventures vs. 60% from June benchmark
 - 91% experienced something new
 - 83% had an improved opinion of our destination
 - About 50% of sample who came saw the golf carts
 - 95% were curious about what was going on
 - 87% went to website
 - 82% said they took a little adventure

Destination Stewardship. What is stewardship?

- It is about what we do that proves what we say is true, for the visitor and the local.
 - For visitors: We give parents an actionable step they can take that allows them to make all the beautiful moments they see in our marketing possible for their own children while they're here
 - For locals: It's the innovation pipeline that allows us to talk to our community and stakeholders to say how can we make the destination better; how do we solve challenges here – friendliness, mobility, crowds; how are we stimulating our local small businesses



Wayfinder Network

Introduce families to Little Adventures as a way to get them to explore beyond the typical and connect with local experts.

- It took an amazing amount of work and dedication on the part of a lot of people to not only get this built and open in 2.5 months, but then to put 350 kids through the program.
 - Scouts
 - Experts + organizations
 - Jason Autry
 - City of Destin
 - Councilmember Hebert
 - Jackie Blue and the Island
 - Shane Moody
 - Designers, truck drivers, production assistants, etc.

- Outpost opened July 26 with a team of 3 scouts that were all Marine biology students from the local area; eventually grew to a team of 7
 - Taught safety and marine life to be on the lookout for in our waters
 - Talk to parents about other – less intense – places to paddle board in the destination (bay, seashore).
 - Taught 3 classes a week and 2 on weekends.
 - Lesson talks through how the moon, planets and stars were how mariners navigated
 - How our skies affect everything from tides to turtles
 - Teach how to spot constellations, important stars and planets using their hands

- Teach kids how to shore fish, fishing safety, bait, catching bait and conservation
- More than 120 families booked Adventure Packs and experienced something new
- Over 350 kids participated in a Little Adventures pop-up in just 3 months
- Between Facebook and online chat, talked to more than 3,000 visitors about Little Adventures
- More than 60 partners participated
- 11 packs and 1 outpost made a lot of magic possible
- No other destination is doing what we are doing. We have begun the evolution of being a discount beach destination to a place where families can thrive.

E. Presentation by Leland Vanderpool, Destin Garden Club, Installation of Blue Star By-way Marker on Library Grounds

Mr. Leland Vanderpool of the Destin Garden Club requests permission to uses a 12' x 16' area of the presently grassed property at the Destin Library to install a Blue Star By-way Marker, along with its associated landscaping. This will provide the community with a visible reminder of the sacrifices made by men and women in uniform. The Blue Star Program honors all men and women who serve or have served in the United States Armed Services. The Garden Club will maintain the area along with the other gardens in their care on the library property.

Councilmember Hebert moved to approve the placement of a Blue Star Marker on the Destin Library property by the Destin Garden Club; seconded by Councilmember Bagby. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).

2. PUBLIC COMMENTS

Mr. Parker Destin, City of Destin resident and former council member, informed the council he has intended to provide some comments relating to a request for conditional use approval for a 66-unit townhome complex located along 98 Palms Boulevard before that item was subsequently pulled from tonight's meeting agenda. He stated that the Town Center Mixed Used (TCMU) district was created over 20 years ago as a medium high-density district that was going to facilitate a lot of long-term workforce housing, and that it was predicated on the notion they will have road connectivity. It was based on the idea they will cross the Gulf Power easement and connects some of the roads like Palm Street into Mattie Kelly or Twin Lakes providing connectivity up to Airport Road going east and west. However, even with this connectivity the road infrastructure will not be able to support 1000 more units and 2000 more cars. He urged the council to start discussing reprioritizing the TCMU district especially during its upcoming visioning session. They need to consider its densities and prepare for some sort of medium to high density growth that is going to occur in some of the vacant parcels. He continued that the council will be facing a big challenge when some large development projects, similar to the Old Time Pottery, come before them requesting hundreds more units resulting in hundreds more cars on the roads. He urged the council to instruct the mayor to reach out to the owners of

the Old Time Pottery, determine the purchase price for the property, and start a conversation on how they could obtain that property and possibly utilize it as a community center or sports complex that will serve the citizens, especially the youths, in the community.

3. CONSENT AGENDA

- A. Office Productivity Suite and Email System (Microsoft Office 365)
- B. Opioid Settlement Agreement
- C. Resolution 22-02, Adoption of 2021 Okaloosa County Local Mitigation Strategy
- D. Financial System (MUNIS) Continuing Services/Licensing and Support Renewal for 2022
- E. Backup Server Hardware and License
- F. Disaster Recovery Services (Crowder-Gulf), authorization to renew contract
- G. Disaster Recovery Services (TFR, Inc), authorization to renew contract
- H. Destin Fishing Fleet vs. City of Destin - Bert Harris Case
- I. Approval of minutes of December 6, 2021 Regular City Council Meeting
- J. Approval of minutes of November 1, 2021 Regular City Council Meeting
- K. Draft minutes of meetings of the city's boards and committees

Motion by Councilmember Braden, seconded by Councilmember Hebert, to approve Consent Agenda items 3A thru 3K, as printed above, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).

4. CITY MANAGER REPORTS

- A. Recommendation for the Installation of a Three-Way Stop on Dolphin Street at John Avenue

Mr. Jim Wood, Chairman of the Public Works/Public Safety Committee, presented the committee’s recommendation to install a three-way stop condition at the intersection of Dolphin Street and John Avenue. He stated that taking a proactive approach will help solve a lot of the safety issues and avoid future accidents along that intersection.

Councilmember Bagby moved to instruct the City Manager to install a three-way stop condition at the intersection of Dolphin Street and John Avenue; seconded by Councilmember Hebert.

Councilmember Destin inquired as to the status of the council’s previous direction to the City Manager to place a slightly raised, Crystal Beach-style pedestrian walkway, on the corner of Zerbe Street to Calhoun Avenue, and for the speed bumps to be reinstalled on Beach Drive after the street resurfacing.

Staff will provide the time frame for completion of these projects as soon as it is received from their continuing services contractor.

Councilmember Destin also requested an update on the status of the Request for Qualifications (RFQ) for Capital Project Management Services.

Grants/Project Manager Jeff Cozadd noted that key personnel are currently reviewing the RFQ, and that they expect it to be published by the end of the month.

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

B. Announcements:

- 1) Flood Ordinance Council Workshop tentatively scheduled for Thursday, January 20, 2022
- 2) Council Visioning Session tentatively scheduled for Thursday, January 27, 2022
- 3) New Henderson Beach passes and resident parking passes at the Joe’s Bayou Boat Launch are now available at City Hall
- 4) Adopt-A-Street cleanup scheduled for Saturday. Volunteers to meet at City Hall at 8:00 AM for an initial safety briefing and distribution of cleanup Supplies
- 5) Harbor Pump is back in operation and has been running daily and smoothly during the past two weeks.

5. PUBLIC HEARINGS

- A. Curtis Gwin of Indian Bayou West, LLC, on behalf of Indian Bayou Properties, is requesting approval for a Major Deviation to a Major Development Order. The project is located at 1 Country Club Dr. E. (Parcel ID: 00-2S-22-0000-0046-0000), with the property totaling approximately 69.16 acres. The applicant is proposing an addition of 11 lots to the previously approved 86 single-family, long-term residential lots (approved under DO 21-12), for a total of 97 lots, utilizing the same project area.

The City Attorney sworn in the following individuals for testimony:

Daniel Butler, Senior Planner, City of Destin
Steve O’Connor, Principal Planner, City of Destin
Curtis Gwin, Indian Bayou West, LLC

The City Attorney asked the mayor and members of the council to disclose any ex-parte communications that may have occurred with regards to the proposed project.

The mayor and each member of the council replied “none.”

The Land Use Attorney asked that the staff report and all its attachments be admitted into the record as the city’s Composite Exhibit A.

The applicant expressed no objections to the staff report and attachments being admitted into the record.

The staff reports and attachments have been entered into the record as the city's Composite Exhibit A.

The city's Senior Planner Danie Butler presented the proposed project to the city council. He stated that the applicant is proposing an addition of 11 lots to the previously approved 86 single-family, long-term residential lots, for a total of 97 lots, utilizing the same project area. The property has a Future Land Use Map designation of Low Density Residential (LDR) and a zoning designation of Low Density Residential – Village (LDR-V). Long-term single-family residential is a permitted use in both the LDR future land use designation and LDR-V zoning districts. The density provided by the project is 1.44 dwelling units per acre and the maximum allowed is 5.81 dwelling unit per acre. The required two parking spaces per dwelling unit has been provided by the development. The proposed project is consistent with the Comprehensive Plan and Land Development Code, and that staff recommends city council approval of Indian Bayou West 1st Amendment, a Mayor Deviation to a Mayor Development Order.

Mr. Curtis Gwin, Indian Bayou West, LLC, representing the applicant, spoke of the proposed project. He stated that they have had so much interest in the lots that they are closed to running out of available lots. They came up with a way to produce more lots without changing the development area. They have received all the required permits and could start development of the previously approved 86 single-family lots as soon as possible. In order to produce more lots utilizing the same project area, they have divided some of the 100-foot-wide lots into 70-foot-wide lots adding 11 more lots, which meets all the code requirements and add to the revenue base for the city.

Councilmember Destin asked how many lots were sub-divided to create 11 additional 70-foot-wide lots.

Mr. Gwin replied they have sub-divided 26 lots.

Councilmember Schmidt expressed that his main concerns over this project when it was first brought before the council was water runoff. Adding more structures on the properties could result in more drainage issues. He stated that his other concern involves traffic safety since they are potentially adding over 20 more vehicles on the road.

Councilmember Braden opined this is more about making more money than creating more affordable lots for the people; adding they have not even begun breaking grounds on this project, and they are already requesting an amendment to the development order. He continued if this application is approved, he expects the applicant to come back more times in the future for further amendments to the development order. He also stated they have always talked about improving quality of life for residents but packing more lots in one area does not improve the quality of life. He also stated that his biggest concern are the lots located next to the airport property. People who live there are the ones complaining about the airport noise. It has previously been recommended not to build homes there due to decibel level.

Councilmember King stated that people will always complain about airport noise regardless of what happens. He pointed out that the proposed project is well below the density level.

Councilmember Wagner inquired as to the owner of both sides of Old Creek Trail and the future plans for that property. He asked if there was any way to beautify streetscape in that area.

Mr. Gwin noted that property currently belongs to Indian Bayou Properties. It is zoned a commercial property. They have agreed to put in 10-foot-wide sidewalk. They have plans to spend money for landscaping and dedicating that street back to the city.

Councilmember Bagby asked what is being done to alert people that these properties are located next to the airport and what it means to live next to the airport.

Mr. Gwin noted that the city requires for each individual that purchases a lot located within the noise zone to sign a document called "Destin-Fort Walton Beach Airport Noise Zone Disclosure Statement" and record it with their lot to acknowledge the fact they are building next to the airport. He also stated there is a caveat on the document that no revision to this declaration can be made without prior approval from Okaloosa County. He added they plan to make everybody aware of this declaration before they sign a contract.

Councilmember Bagby asked what they plan to do with the lake located between the second and third fairways on the Old Creek course.

Mr. Gwin stated they plan to fill in that lake and all the lakes on the Old Creek course.

Councilmember Bagby asked where they plan to pump the water from all the lakes.

According to Mr. Gwin, they plan on pumping the water through the trees, and that a lot of it will be filtered through the existing lakes before it gets into the bay.

Councilmember Bagby noted that the more than 400 lots that already existed, more so than the 11 additional lots, are creating the traffic issue. He continued that the applicant may very well come back in the future to request further amendments to the development order, but they could only act on the application that is before them tonight.

Councilmember Braden ask whether the people who purchase these lots will have the ability to file a lawsuit against the city or county after signing the declaration.

According to the City Attorney, it is doubtful the city or county faces any exposure for any sort of noise complaints. It is merely a method the county has devised to put people on notice they are building next to the airport for the airport's security and safety. It helps protect the airport because the document is recorded along with the deed.

The mayor asked the Land Use Attorney to provide the criteria the council should consider in making their decision with regards to the development.

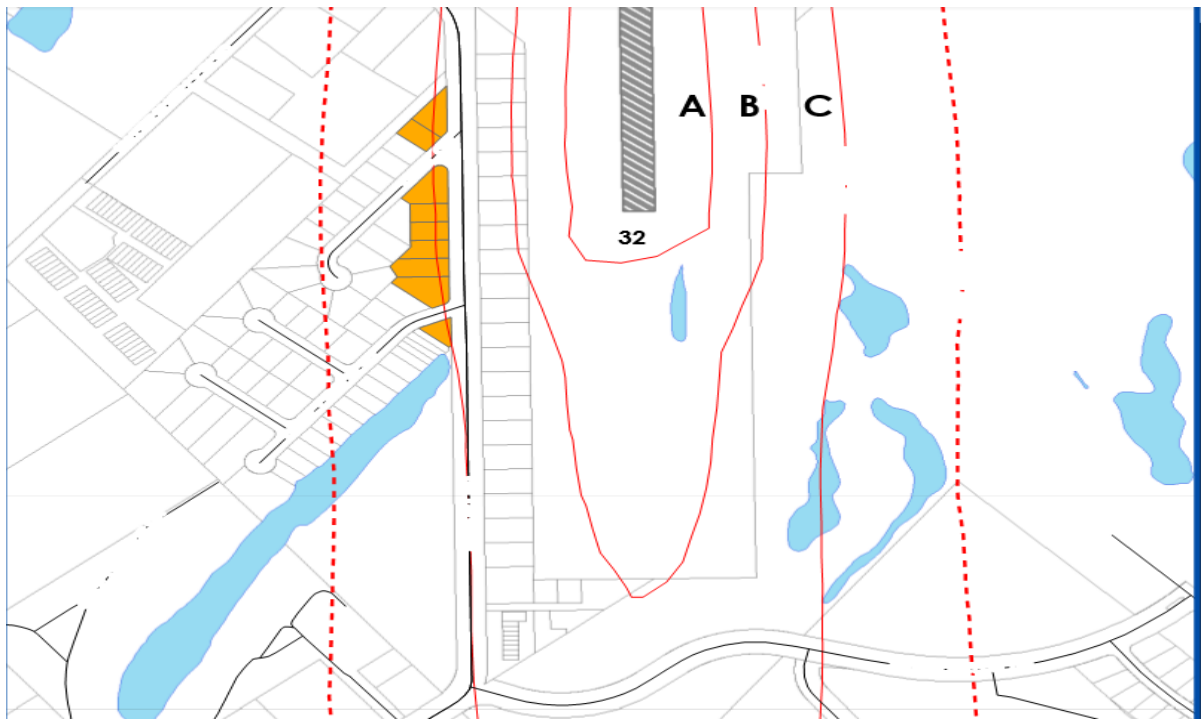
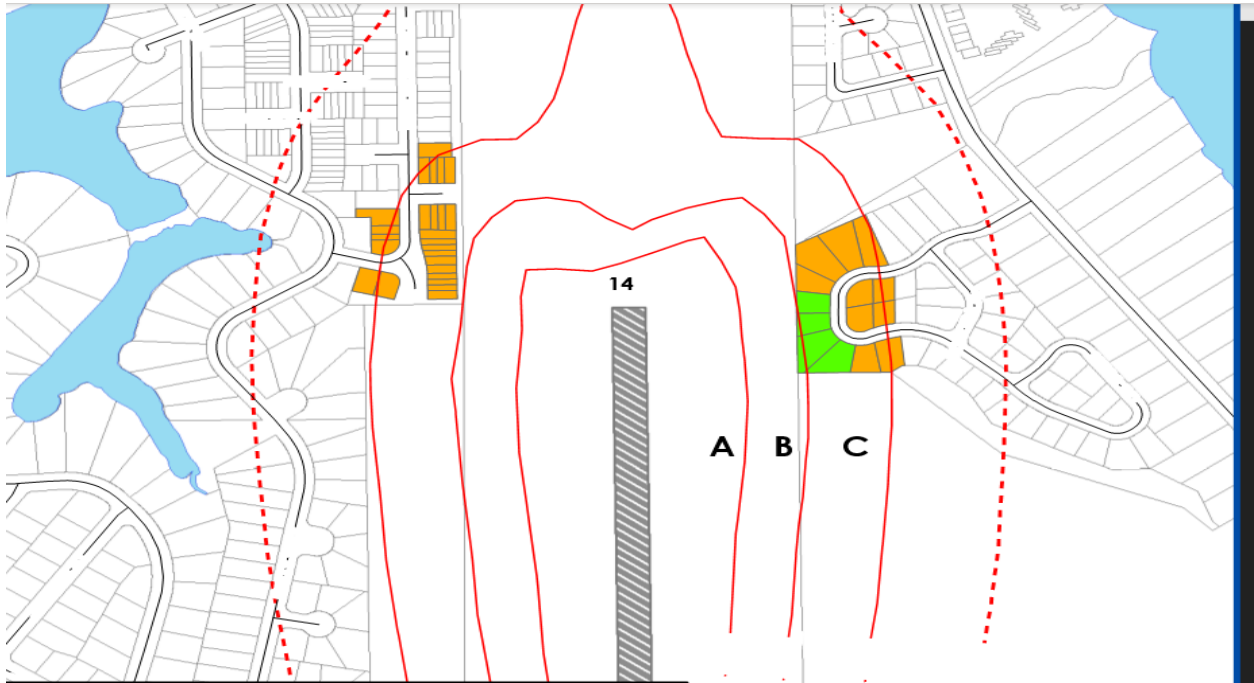
The Land Use Attorney read the following criteria as listed in the staff report:

1. Determine conformity of the proposed development with the Comprehensive Plan, this Code, other applicable requirements, and the items enumerated above.
2. Hear and address concerns and desires of surrounding landowners and other affected persons.
3. Consider any rule, objective or policy of the Comprehensive Plan or any other criterion applicable to the particular development proposals in formulating its recommendation to either approve or deny the development proposal.
4. If the proposal is approved or approved with conditions, the City Council shall instruct the City Manager, or designee, to authorize the issuance of a development order that complies with **Section 2.08.00**.
5. If the proposal is approved with modifications, a development order may be authorized by the City Manager or his designee once the required modifications have been completed and approved by the appropriate Technical Review Committee (TRC) members.
6. If the proposal is denied based upon the applicant's failure to meet the requirements of this Code in the proposed development plan(s), the application will become null and void, and the applicant will lose in-line priority consideration for concurrency. The applicant will have to submit a new application and start the review process over in order to secure consideration for approval of the proposal.

Mr. Gwin maintained that this proposal has nothing to do with making more money. They have a list of individuals who have expressed interest in purchasing a property and building a home. They have determined they did not have enough lots to accommodate all the interested parties, and they came up with this proposal to create additional lots.

The mayor opened a public hearing to receive comments for or against the proposed project.

Mr. Ray Mansfield, a Fort Walton Beach resident and local flight instructor/corporate pilot, came up to the podium to address the issue. He stated he is speaking on behalf of Mr. Troop, a Destin resident who is out of the country and could not be here tonight; and that he is also representing many local pilots and aircraft owners. Mr. Mansfield stated that they are not against the entire development, but only the residential homes in Noise Zone C and additional homes requested to be added. He then provided the following presentation:



Above diagrams show runway 14 and Noise Zones A, B and C, and residential homes in Noise Zone C. It has been recommended to the county to purchase the first 4 homes in the Zone C area to allow residents to move out of that area.

Results of Building Homes Too Close to an Airport

- Homeowners complain to politicians (already happening)
- Modifications to the airport costing local taxpayers large sums of money (already happened at Destin Airport ...\$200K sound wall)
- Strict noise abatement procedures are instituted at the airport to please constituents:
 - Third-time offending pilots are banned, fined and lose hangar lease (Torrance, CA)
 - Procedure is dangerous to pilots and their passengers (Torrance, CA)
 - No weekend/holiday training (Torrance, CA)
 - No Touch & Go's
 - No Stop and Go's
 - Mandatory engine shutdown after each landing
- Sale of jet fuel is banned to eliminate larger noisier aircraft (Torrance, CA)
- Types of aircraft are banned (Torrance, CA)
- Limited departure and arrival times (Torrance CA, Naples FL, Santa Monica CA, Palomar CA, etc.)
- Shortening of runway to prohibit jet and larger aircraft (Santa Monica, CA)
- Closure of the airport (Santa Monica, CA)

Items to consider regarding the Destin Airport

- Busy airport that is embedded in a populated area
- Military aircrafts frequent the field
- FBO owners have invested heavily in the business
- Aircraft owners have made significant capital investments in airport hangars
- Used by seasonal owners with some pretty large jets
- Very busy during holidays and high season
- Use to support tourist adventures
- Some homes already in noise zones
- Noise and pollution complaints are on-going

What we request

- The city council visits the airport and stand 300 feet (or whatever distance developer indicates closest lot will be) and let pilots demonstrate different aircraft types departing and landing on runway 32
- No additional residential buildings or lots approved for this development
- Seriously consider rezoning the property in Noise Zone C to something more appropriate to reduce tension and future complaints
 - Offices
 - Wholesale
 - Retail
 - Manufacturing
- If Noise Zone C is not rezoned:
 - Ensure development order calls out the provisions/requirements in "Okaloosa County Airport Response to Indian Bayou Rezoning Application"

- Ensure potential home buyers understand upfront the cost to build a home to the sound requirements outlined in “Okaloosa County Airport Response to Indian Bayou Rezoning Application”

Having no further comments from the public, the mayor closed the public comments portion of the proceeding and turned the matter over to the city council for their discussion and consideration.

There was a question from the council as to whether there are properties in Noise Zone C in the existing plan.

Mr. Gwin stated there are properties in Noise Zone C in the existing plan; however, Okaloosa County Airport Authority does not oppose this development. They have met all FAA requirements as well as all the rules and regulations to be able to build next to the airport. The Airports Master Plan as well as many airport documents indicate that it is fine to build residential homes in Noise Zone C, and that it is the responsibility of the builder and property owner to soundproof their property to a certain decibel level.

Councilmember King moved to approve Indian Bayou West 1st Amendment, a Major Deviation to a Major Development Order; seconded by Councilmember Schmidt. Motion failed 3-4 (Council members King, Schmidt, and Bagby voted “yes”; Council members Hebert, Destin, Wagner, and Braden voted “no”).

- B. The applicant is requesting consideration of Conditional Use 21-33-CU, for a Major Development Order and a Major Subdivision (City of Destin project number 21-25-SP and 21-26-MS). This project includes the subdivision and the construction of a ±66-unit townhome complex, along with the required site infrastructure to be located at Parcel ID(s) 00-2S-22-0098-0000-001A, 00-2S-22-6401-0000-0040, and 00-2S-22-0000-0013-0000.

Item was pulled from the agenda.

- C. The applicant is requesting consideration of Conditional Use 21-35-CU for a Conditional Use approval. This project includes the location of a Pet Grooming business to be located at 981 Airport Road (Parcel ID: 00-2S-22-1021-0000-0010).

The City Attorney sworn in the following individuals for testimony:

Daniel Butler, Senior Planner, City of Destin
 Steve O'Connor, Principal Planner, City of Destin
 Rachel Hodges, Applicant
 Thomas Hodges, Applicant

The City Attorney asked the mayor and members of the council to disclose any ex-parte communications that may have occurred with regards to the proposed project.

The mayor and each member of the council replied “none.”

The Land Use Attorney asked that the staff report and all its attachments be admitted into the record as the city's Composite Exhibit A.

The applicants expressed no objections to the staff report and attachments being admitted into the record.

The staff reports and attachments have been entered into the record as the city's Composite Exhibit A.

The city's senior planner Daniel Butler stated that Barks and Bubbles, LLC is requesting a Conditional Use approval for a pet grooming and pet daycare business to be located at 981 Airport Road. The proposed site is in the Residential, Office, Institutional – Village Residential (ROI-VR) Zoning District. The proposed use of pet car (except veterinary) services is a conditional use in ROI-VR Zoning District and would qualify as a professional office, and therefore is in line with the intent of the ROI district. As proposed, the project meets the land development standards and regulations outlined in the Comprehensive Plan and Land Development Code, and that staff recommends city council approval as presented.

Mr. Thomas Hodges, applicant, briefly discussed the nature of the pet grooming and pet daycare business.

Councilmember Hebert inquired as to the applicants' qualifications for running a pet grooming and pet daycare business.

Mr. Hodges noted that his wife, the co-applicant, has had 20 years business experience.

Councilmember Schmidt asked whether there will be other tenants in the proposed facility.

Mr. Hodges noted they will occupy the entire facility.

Councilmember Wagner inquired as to the hours of operations for the business.

According to Mr. Hodges, they plan to operate from 8:00 AM to 5:30 PM six days a week.

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

Councilmember Wagner moved to approve Conditional Use 21-35-CU – Barks & Bubbles Pet Grooming, subject to the applicant meeting all applicable federal, state and city requirements. Councilmember Hebert provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

D. First reading of Ordinance 21-21-CC - Providing for amendments to the Code of Ordinances to require post-occupancy inspections for threshold buildings

The City Attorney read proposed Ordinance 21-21-CC by title, and then presented it to the city council for first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES TO REQUIRE POST-OCCUPANCY INSPECTIONS FOR THRESHOLD BUILDINGS; DEFINING "THRESHOLD BUILDINGS"; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; 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 comments portion of the proceeding and turned the matter over to the city council for their discussion and consideration.

Councilmember Hebert moved for approval of proposed Ordinance 21-21-CC – Required Inspection after certificate of occupancy, seconded by Councilmember Destin.

Councilmember Bagby noted that this proposed regulation covers every structure within the city that is over 50 feet tall, including a lot of condominiums in the Destin Harbor, Holiday Isle, and Crystal Beach, totaling approximately 80 structures. He stated that he cannot support this ordinance at this time as he does not believe the city should get involved in the business of conducting this type of inspections. He also noted that the recommendation from the Local Planning Agency (LPA) was to bring this proposed ordinance back to the LPA for further discussion after the closure of the upcoming legislative session. If the State Legislature passed any law affecting this ordinance, the LPA will make the appropriate recommendation to the city council.

Councilmember Bagby offered a substitute motion to direct staff to draft a resolution for the mayor's signature addressed to the State Legislature, specifically State Representatives Maney, Senator Gainer, and Governor DeSantis, requesting they strengthen the state's oversight of condominium maintenance by raising the threshold for owners to waive raising the necessary money to protect their investment. Councilmember Braden provided a second to the substitute motion.

Councilmember Bagby stated that they cannot run this program effectively. It entails the city creating a Request for Qualification (RFQ) to obtain qualified inspectors to conduct inspections and hiring qualified staff to review inspection reports. In addition, the city has no recourse in place at this time in the event they receive a report of property owners not conducting the required maintenance for structural safety.

Councilmember Destin noted this is only the first reading of this ordinance. There is plenty of time to address issues brought about by Councilmember Bagby between first and second reading. He stated that the safety and welfare of citizens are of the utmost importance. He continued that the condominium structure that collapsed at Surfside, Florida occurred mainly due to the failure of responsible parties to take any actions. He added they need to have something on the book that can have avoid a repeat of that incident in this city.

The mayor commented that the biggest challenge the city faces is having the resources and wherewithal to take the necessary action especially without the state-mandating standards. The city's Building Department staff follows state standards for building codes.

Councilmember Destin noted that the same argument could be made about conducting inspections at all, about having police and fire protections that could be very expensive, but it is the core of their responsibility. He also believes they could arrive at some way to contract this service, and to have the ability to put the property owner and the public on notice in the event they discover that something is wrong with any of the facilities. He added that doing nothing at this time is not an option.

Councilmember Braden stated that he is all about protecting the public; however, they cannot really get a true sense of a building structure unless they use digital X-ray to image the interior of a concrete to identify and locate rebar, conduits, and other embedded objects. They would not want to give the public a false sense of security by pronouncing that a certain facility is safe.

Councilmember Schmidt stated they cannot allow the cost factors to influence their decisions. They are responsible for the safety of the citizens and that he believes staff is fully capable of determining the necessary courses of action.

Councilmember Bagby maintains this is not about cost or safety, but it is about the city's qualification to conduct this type of inspections. He stated that the city or county should not get involved in the business of regulating condominiums. Condominium safety inspections are conducted in accordance with state requirements. He recommends tabling this issue until after State Legislature meets and adjourns.

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

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

- A. Councilmember Braden
- B. Councilmember Wagner
 - 1) Park Hours

Councilmember Wagner directs the City Manager to work with the Parks and Recreation Committee in determining the hours of operations for city parks, specifically the twilight and sunset timing, and bring back their recommendation for council consideration.

- C. Councilmember Destin

Councilmember Destin moved to direct the Mayor and City Attorney to seek the owner of the Old Time Pottery and determine the purchase price for the property; seconded by Councilmember Bagby. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

- D. Councilmember Bagby
- E. Councilmember Hebert
 - 1) Beach Safety

Councilmember Hebert moved to direct the City Manager to bring back the city's beach ordinance for the double red flags in February with the goal of aligning the city's and county's beach safety regulations for consistent messaging and enforcement.; seconded by Councilmember Destin. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

Councilmember Hebert moved to direct staff to work with the Destin Fire District and the TDC to improve communication of the current beach conditions and flag status with the increased tourism season to expand the time frame of when beach flags are being displayed; seconded by Councilmember Destin. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

- F. Councilmember King
- G. Councilmember Schmidt

Councilmember Schmidt staff brings back at the next council meeting, or during the individual sessions with the council members, a proposed agenda for the next visioning session.

- H. Mayor Gary Jarvis
 - 1) Follow Up to City Manager Evaluation Process

The mayor noted they have had ample discussions regarding the City Manager Evaluation process at previous meetings, and that staff has provided them documentation on wage comparisons among City Managers in other communities. He asked for a motion from the council that will address the City Manager's compensation.

Councilmember Bagby moved to increase the City Manager's base salary by 5 percent, and the City Manager's monthly vehicle allowance by \$100 (from \$400 to \$500), effective January 1, 2022. Councilmember Hebert provided a second to the motion.

Councilmember Bagby explained that all of the city staff are eligible for up to 2 percent increase each year based on their annual performance evaluation. The City Manager is 3 years behind in his evaluation process and has not received a raise in 3 years. He also stated that the City Manager has an approved monthly vehicle allowance of \$400. He continued that 2 percent raise each year compounded over 3 years equates to 6 percent the City Manager could have received. He is only recommending a 5 percent, but they could increase it to 6 percent if everyone is agreeable to it.

Councilmember Schmidt stated that he was not anticipating a motion that specifically addresses a salary increase tonight, and that he is not prepared to vote on this motion. He recommends placing this item on the next meeting agenda.

Councilmember Destin stated that the wording of the agenda item does not specifically address the salary raise.

Councilmember Bagby stated that they have been discussing this issue for the past 3 months, and that the documentation on salary comparisons for City Managers provided by staff was a clear indication of the type of action that is expected for this agenda item.

Councilmember Schmidt stated that he is not against the proposed salary increase; he just needs more time to prepare.

Councilmember Bagby moved to direct staff to place under his name on the next council meeting agenda a motion to increase the City Manager's base salary by 5% and the City Manager's monthly vehicle allowance by \$100 (from \$400 to \$500), effective January 1, 2022; seconded by Councilmember Hebert. Motion passed 7-0. (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

2) Aqua Alert Pilot Program

According to the mayor, a Minnesota family is turning personal tragedy into a cause for positive change. David and Judy Schink were vacationing in Destin. David, an experienced kayaker, was lost while kayaking. The United States Coast Guard conducted a two-day search for him before calling it off due to rough conditions. The family is now raising money for a number of water safety initiative, including beachfront surveillance cameras and better signage. They would also like to create an AMBER Alert-like system specifically for water emergencies, called Aqua Alert. They are working with the Coast Guard on it. According to the Coast Guard, better coordination between agencies, and the public, would help in their searches for missing boaters. Judy Schink has also been communicating with Everbridge the organization in the State of Florida that conducts the Silver and

- I. Land Use Attorney
- J. City Attorney

7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:20 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

**MINUTES
HARBOR COMMUNITY REDEVELOPMENT
AGENCY ADVISORY COMMITTEE MEETING
DECEMBER 9, 2021 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Vice Chairman Green called the meeting to order at 5:30 p.m. on Thursday, December 9, 2021 in the Destin City Hall Board Room.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present

James Green
Jan Best
Sandy Trammell
Mike Raim
Casey Jones in at 5:37

Members Absent

Mike Buckingham
Ian Blaise

Staff Present

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Louis Zunguze CD Director
Krystal Strickland Finance Director
Joey Forgione Code Compliance Dir.
Dwayne Sanders Harbor & Waterways

3. MINUTES: September 8, 2021

Motion to approve the minutes of the September 8, 2021 meeting as written, was made by Committee member Raim with Committee member Trammell providing the second. The motion passed with a 4-0 vote for approval. Committee member Jones was not present for the vote.

4. DIRECTORS REPORT/ANNOUNCEMENTS

A) Harbor Capacity Study Update

Mr. Zunguze provided the members with a brief background of all the information being obtained by the parking study, the survey/questionnaire, identifying waterfront property in and adjacent to the city to aide in bringing the information forward to the Harbor Capacity Committee with the current state of affairs of the harbor, in order to begin discussing the next steps to take. After which, the staff will start conducting public workshops to get the feedback from the public and start working on recommendations for City Council's consideration.

B) Livery Vessel Moratorium Extension Update

Mr. Zunguze spoke of how the livery vessel moratorium was extended by Council in November for an additional 6-months. Additionally, the livery vessel applications are being accepted for the upcoming season. He also advised the members that Council is potentially looking at putting a freeze on all marine construction applications, while the Harbor Capacity Study is taking place for both residential and commercial, which would be discussed at the January 3, 2022 Council meeting.

Vice Chairman Green spoke of how he feels that single family dwellings outside of the harbor district should not be included. Pointing out that all it would do is back up the permitting department come September when people are allowed again to do repair work.

Committee member Trammell pointed out that the freeze would only be on new construction and not repair work.

Mr. O'Connor also clarified for the members that this does not include projects that have already been approved, but not yet constructed.

Motion by committee member Green to recommend to Council that the dock moratorium only be placed on harbor district properties. With Committee member Raim providing the second.

Committee member Jones spoke of being opposed to all moratoriums put in place that tells a property owner that they cannot do what they want to on their property.

The motion passed 4-1, with Committee member Jones voting no.

➤ **Livery Vessel registration update**

The Code Compliance Director Joey Forgione introduced Dwayne Sanders who is the new Harbor & Waterways Officer and provided his background experience. He then informed the members that so far, the Livery registration is coming in smoothly with no issues.

5. NEW BUSINESS:

➤ **Capital Projects Status Update – Krystal Strickland**

❖ **FY-22 Capital Projects Status List**

- Undergrounding Electrical Harbor District - from Marler Bridge to Beach Drive \$13M
 - Funding of Project will be discussed at the 2022 Visioning Session and attendance is requested by HCRAAC members

❖ **Operating Report**

- Florida Building Code Fund - New
 - Balance Sheet format for both CRA's
 - HCRA FY-21 \$972k tax incremental revenues from the County
 - \$27k expenditures in Median Maintenance
 - \$524k in Debt Services

➤ **Developmental & City Projects Updates**

- City wide Pedestrian Projects have all been finished
 - McGuire's Parking Structure is ongoing
 - Heron Harbor D.O. Project is not going forward and voided

Committee member Jones asked how soon the second phase of the Pedestrian Improvements would get funded.

According to Mr. Zunguze, the project is in the design phase where two options are being created to present to City Council for them to choose from, then it brought before this committee to provide recommendations for refinement.

The Vice Chairman asked for an update on the construction of Royal Melvin Park.

The City Attorney informed the members that this project has been challenging at best and there has been a lot of delays however, at this time, it is moving forward and there has been some progress.

Mr. Zunguze informed the members that the Cross Town Connector will be presented to Council at the second meeting in January at its 60% design phase.

6. COMMITTEE MEMBER COMMENTS:

➤ **Committee member Jones**

Spoke of how only a government entity would put a moratorium on something that funds it and declared how ridiculous that is to him.

➤ **Committee member Trammell**

Informed everyone that she attended the Board of Adjustment Hearing and the request to allow the additional parking spaces, off season boat storage, and overflow valet parking on Mountain Drive and was approved. She also inquired about the Annual Report and its status. As well as the problems they've encountered with getting quorums to meet this past year. And lastly, if they get their goals and objectives done, then the Council will have the opportunity to review them.

➤ **Committee member Raim**

Spoke of his ongoing concern for the safety of the public on the Calhoun Avenue especially around the area of McGuire's where people are turning every which way in that general vicinity. He feels that this time of the year is the right time to try and work on a solution.

Mr. O'Connor spoke of meeting with Dr. Raim and other staff members to discuss the intersection and shortly after, City Council directed staff to develop a framework for a Vision Zero Plan, which is an all-encompassing city wide safety plan to address issues, such as this area. Additionally, any roadways that front Highway 98, FDOT must be included in the decision making process.

➤ **Vice Chairman Green:**

Vice Chairman Green spoke of how busy this past summer was. More so than he's ever encountered, and he feels it had a direct impact on this committee not being able to meet this past season. He also discussed how aggressive the speed table is on Calhoun Avenue and feels it should be removed.

Motion by Vice Chairman Green to recommend to City Council to have the speed table removed on Calhoun Avenue near Leonard Destin Park. With Committee member Trammell providing the second. The motion passed 5-0.

7. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:30 PM.

Adopted and approved this ____ day of _____ 2022.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

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**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, DECEMBER 8, 2021
5:30 P.M.**

1. CALL TO ORDER:

Chairman Weidenhamer called the Board of Adjustment Meeting to order at 5:30 p.m., on Wednesday, December 8, 2021, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLIGENCE:

Present:

Tom Weidenhamer
David Emerson
Daniella Piper
Cyron Marler
Kimberley Mergler
Robert Pinard
James Moomaw

Staff Present:

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Daniel Butler Senior Planner
Kyle Bauman City Attorney
Kimberly Kopp Land Use Attorney

3. APPROVAL OF MINUTES:

A. November 3, 2021

Chairman Weidenhamer moved to approve the minutes of the November 3, 2021 meeting as corrected with Vice Chair Emerson provided the second to the motion and the passed 4-0.

4. NEW BUSINESS:

A. 21-32-VR – 531 Mountain Drive Variance Request

The applicant, Stephen Tatum, Matthews & Jones, LLP, on behalf of ABC Amusement Co., is requesting variance request approval for relief from Land Development Code Section 8.09.03.A.4.c, which provides that the parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.

The City Attorney swore in the following people for testimony for the hearing:

Mike Abedi
Stephen Tatum
Alice Dearmon
Steven O'Connor
Daniel Butler

The City Attorney informed the audience that the applicant and staff have agreed to

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waiving the reading of the application into the record.

The Land Use Attorney entered into the record the agenda item staff report along with the four attachments with no objection.

Mr. Butler explained the details of the request: The applicant is requesting a variance from the following provisions from the Land Development Code (LDC): AGENDA ITEM CITY OF DESTIN – COMMUNITY DEVELOPMENT ITEM # 2021-4475 Article 8, Section 8.09.03.A.4.c ON-SITE PARKING: c. On-Site parking maximum - Providing parking in excess of the standards indicated in Section 8.06.10, Number of vehicle and bicycle parking spaces required of this Code is not permitted. The parking standards listed in Section 8.06.10 are considered parking maximums and not the minimum parking required. Parking minimums are eliminated within the Old Destin MMTD sub-area.

The applicant wishes to construct a boat storage and maintenance facility on the subject property, which will service, and store boats associated with the owner's livery business located at 530 Harbor Boulevard. Because of the relatively small footprint of the structure associated with boat storage and maintenance, which affects the maximum parking count, the project would only be allowed to construct four (4) parking spaces maximum. The applicant wishes to utilize the remainder of the site to construct 20 additional parking spaces, for a total of 24 parking spaces, if approved.

Regarding the findings, according to the Land Development Code (LDC) Section 2.25.03(C), to authorize upon such variance from the terms of any zoning ordinance, as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinance would result in unnecessary and undue hardship. Therefore, in order to authorize any variance from the terms of the conditions, the Board of Adjustment must find:

A. That special conditions or circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Applicant's response: The MMTD provides for a maximum number of parking spaces. The owner would like to construct a parking lot along with his allowed boat storage and maintenance site which will provide 20 more spaces than allowed by the code.

Staff Findings: There are no special conditions that exist in relation to the property. However, special conditions do exist when applying the MMTD against the proposed use given that sizable warehouse/office space is not needed for a boat storage and maintenance shop, which are peculiar to the structure. Due to the MMTD parking allowance, the use to square footage ratio, allowed parking is severely limited.

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B. That special conditions and circumstances do not result from the actions of the applicant.

Applicant response: The maximum number of parking spaces allowed is beyond the control of the owner. Allowing more spaces will help alleviate the parking shortage in the Destin Harbor area and provide overflow parking for the owner's primary business located within 1200 feet of the subject parcel.

Staff Findings: The parking requirements within the city are based on the square footage of the gross floor area of the proposed structure. While the applicant does determine the size of the proposed structure, this type of business/use does not require an ITEM # 2021-4475 sizable structure/office to perform daily job duties/tasks, thus the parking requirement is minimal and further limited by the MMTD.

C. That granting the requested variance will not confer on the Applicant any special privileges denied by any zoning ordinance to other lands, buildings, or structures in the same zoning district.

Applicant Response: The applicant did not provide a response to Staff for this criterion.

Staff Findings: Granting this variance would provide the applicant relief from LDC Section 8.09.03.A.4.c. - On-site parking maximum. This LDC language sets a maximum amount of parking allowed rather than a minimum as seen elsewhere in the City of Destin.

D. That literal interpretation of the provisions of any zoning ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of any zoning ordinance, and would it result in unnecessary and undue hardship on the Applicant.

Applicant Response: The MMTD's parking maximum deprives the owner of his ability to provide additional parking within 1,200 feet of his primary business located at 530 Harbor Blvd.

Staff Findings: Given the MMTD parking requirement is applied to the entire Old Destin MMTD, the applicant is not being deprived of any rights commonly enjoyed by other properties within the zoning district. However, strict application of LDC 8.09.03.A.4.c. - On-site parking maximum does hinder the applicant from developing the property in a reasonable manner.

E. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.

Applicant Response: Yes. The variance is the minimum necessary for the reasonable use of the property as overflow parking for the owner's primary business.

Staff Findings: The requested variance would allow the applicant to develop

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additional/overflow parking in the North Harbor to support uses in the South Harbor. The site could likely fit more parking on-site. However, the applicant is requesting to construct 24 parking spaces, which is a reasonable use of the land. While the site is able to be developed in a number of other ways, the granting of this variance would simply allow the applicant to provide more parking than allowed by the LDC.

F. That the granting of the variance will be in harmony with the general intent and purpose of any zoning ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant Response: Yes. The variance will grant no special rights not already contemplated in the CTS zoning district, ITEM # 2021-4475.

Staff Findings: The CTS zone permits boat storage and maintenance, and the use is consistent with the Comprehensive Plan Policy 1-2.3.3: Commercial Trades and Services (CTS). Parking is a required element of any use or development within all zoning district within the City and therefore the request is not in conflict with the CTS zoning district or the Comprehensive Plan. The request would provide more parking in an area of the City that continually sees parking issues due to the many attractions and services afforded to residents and visitors in the Harbor District.

Mr. Stephen Tatum approached the dais and briefly explained to the members that his client is looking to utilize his property as an off-site boat storage and off-site parking.

Board member Piper asked if the parking spaces would be utilized by the public when not in use. According to Mr. Tatum the parking would be used by employees only and for possible valet services of the customers. But not for the public for liability purposes.

Chairman Weidenhamer opened the hearing to the public for comment.

Ms. Alice Dearmon of 523 Sea Hills Drive asked what exactly the request is for. Adding that she's not quite sure what the zone is or what the request is about.

Mr. Tatum explained that the boat storage would be in the off season and also, extra pontoon boats and jet ski/wave runners would be stored in the yard for exchange when there is a need for those to be maintained. Adding that the property will be fenced, as well as a 10-foot buffer is required around the property. He also informed the Board for clarification, that the entrance and exit will all be on Mountain Drive.

Mrs. Sandy Trammell, property owner of 505 Mountain Drive, expressed concern of the disposal of contaminated water after cleaning the vessels.

According to Mr. Tatum, because they are not finished with the development review

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process the only response he can provide at this time is there is a stormwater retention pond on the site plans that is designed to clean the water before it percolates. Explaining further that they are only at this level to ask for the extra spaces, not development approval.

Mrs. Trammell stated that she is only asking that the containment of any chemicals and barnacles be addressed by staff, for pollution concerns.

Board member Piper asked staff if its reasonable for them to ask that a provision be included for stormwater runoff concerns.

Mr. O'Connor explained to the Board that the Variance Request is only for the additional parking and nothing more. Emphasizing, the Development Order Application is in the Completeness Phase of the review process and the stormwater, and their concerns will be addressed in that process.

The Land Use Attorney also explained this Board does not make recommendations. And since it the only Board besides City Council, that has final decision authority, they can grant or deny but only the issue described, which will be addressed during TRC and D.O. process. Adding that if the issue is truly a concern for them, she advised that they attend the City Council Meeting when the D.O. is being presented and speak to it, at that time.

Chairman Weidenhamer made the motion to recommend that the Board of Adjustments approve proposed Variance Request 21-32-VR with Vice Chairman Emerson providing the second. A roll call vote of 7-0 was taken and the motion passed unanimously.

5. ADJOURNMENT:

There being no further business the meeting was adjourned at 7:00 p.m.

Adopted and approved this _____ day of _____ 2022.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022**TYPE OF AGENDA ITEM:** Presentation**AGENDA OUTLINE NUMBER:** 4.A.**TO:** City Council**THRU:** Jeffrey Cozadd, Grants Manager
Krystal Strickland, Finance Director
Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney
Lance Johnson, City Manager**FROM:** Lance Johnson, City Manager**DATE:** 12/10/21**SUBJECT:** Utility Undergrounding Opinion of Probable Cost Phase 1

I. BACKGROUND: The undergrounding of utilities project is an initiative identified as part of the City's Strategic Plan. The City Council on March 15, 2021 accepted the project management agreement with Utility Consultants of Florida. A task order was approved by council on April 19, 2021 that requested UCoF identify conceptual phases for the entire City UG project and prepare an Opinion of Probable Cost for Phase 1.

II. DISCUSSION: Phase 1 of the City Undergrounding Project has been identified as approximately 3 miles of overhead infrastructure along Harbor Boulevard from Marler Bridge to Airport Road, including laterals extending along key side streets.

A. Link to Strategic Goals / Objectives: Council Objective -1.4 Underground Utilities. Strategic Goal - Effective, efficient, and aesthetically pleasing infrastructure.

B. Effect on Budget (EOB): The Undergrounding project has been separated into seven phases. Each phase was designed to maximize cost-saving opportunities and to minimize service disruptions. Each phase is anticipated to have a construction duration of 18-24 months. Ideally, the work on certain phases would overlap to reap maximum benefits of contractor coordination. The project will take approximately five years to complete, depending on contractor availability and availability of funds. This opinion of probable cost estimates phase 1 to cost just under \$13 million.

Preliminary estimates to complete undergrounding of all areas within Destin city limits range from \$50 - \$70 million. Potential funding sources for debt service are under review and will be presented to Council.

C. Level of Service (LOS): Level of Service will increase as the undergrounding of utilities will bring the following benefits to the City:

- * Improved safety
- * Better reliability
- * Reduced maintenance
- * Better aesthetics
- * Potential increase in property values
- * Potential increase in economic development

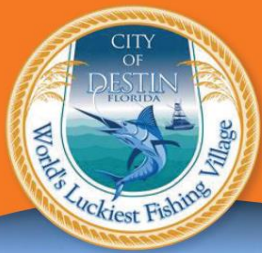
III. CONCLUSION:

IV. RECOMMENDED MOTION:

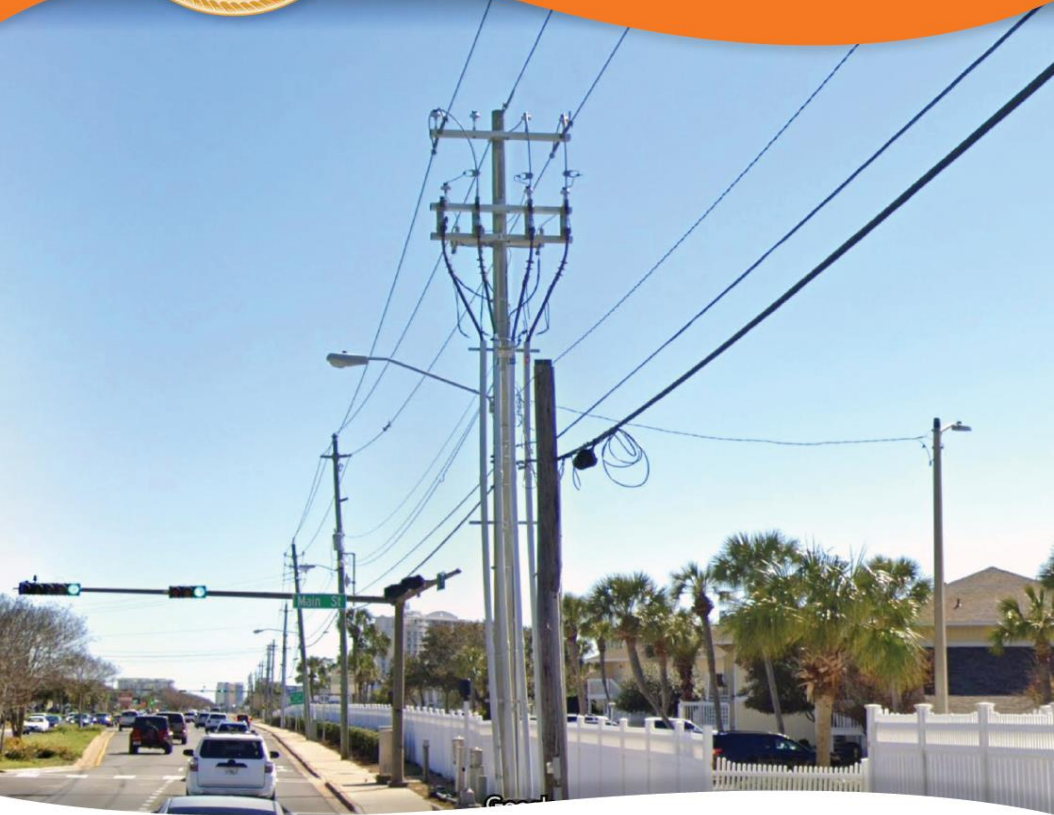
Attachments:

1. UCoF Presentation UG Project
Management OPC January 18

CITY OF DESTIN UNDERGROUND CONVERSION PROJECT “PHASE 1” OPINION OF PROBABLE COST



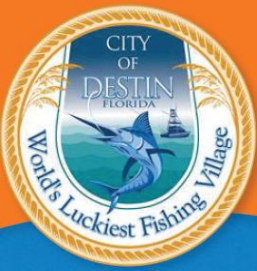
CITY OF DESTIN
UNDERGROUNDING
OPINION OF PROBABLE COST



DECEMBER 2021



UTILITY CONSULTANTS of FLORIDA



CITY OF DESTIN
UNDERGROUNDING
OPINION OF PROBABLE COST



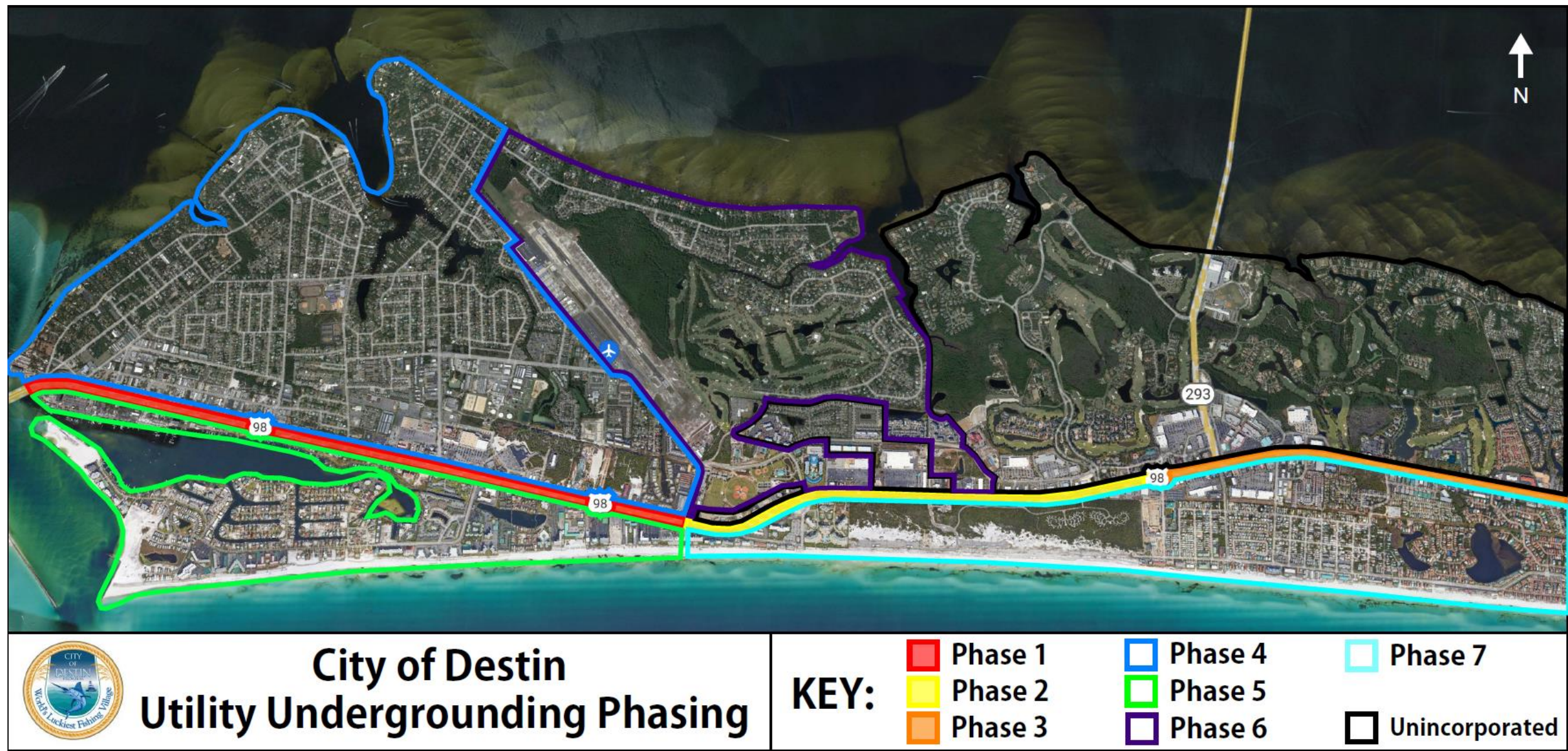
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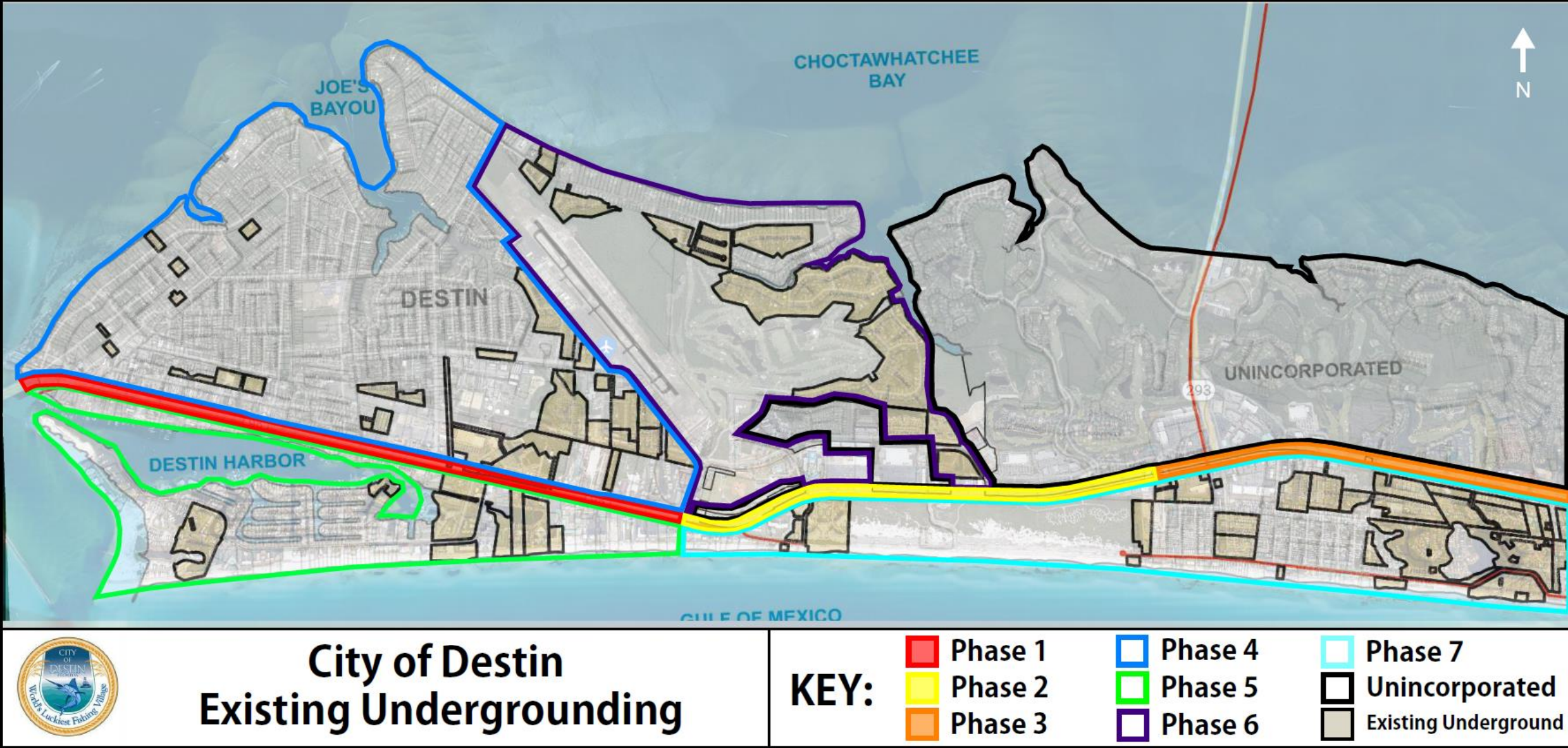


- IMPROVED SAFETY
- BETTER RELIABILITY
- IMPROVED ASTHETICS

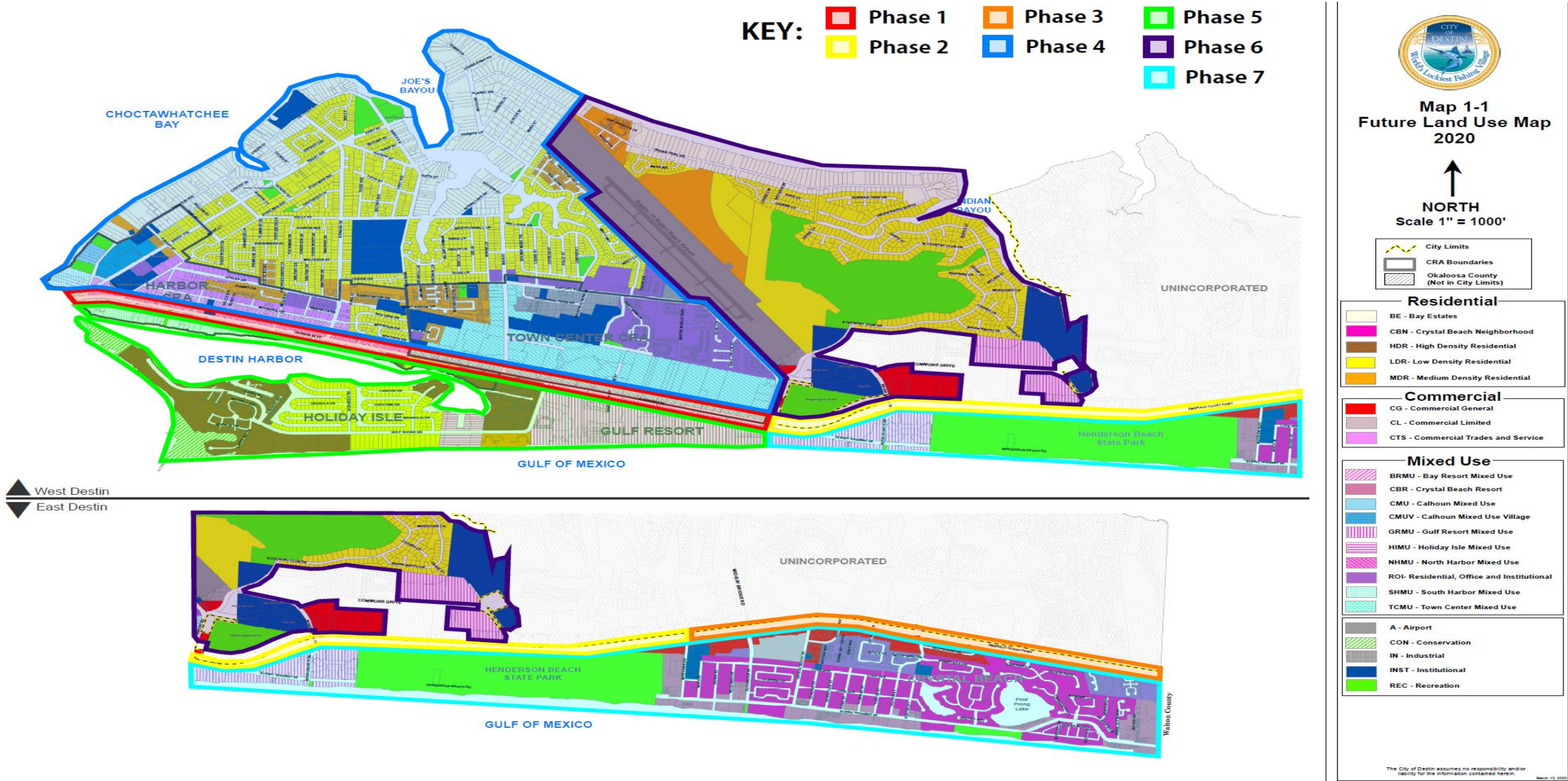
CITY OF DESTIN UNDERGROUND CONVERSION PROJECT "PHASE 1" OPINION OF PROBABLE COST



CITY OF DESTIN UNDERGROUND CONVERSION PROJECT "PHASE 1" OPINION OF PROBABLE COST



CITY OF DESTIN UNDERGROUND CONVERSION PROJECT "PHASE 1" OPINION OF PROBABLE COST



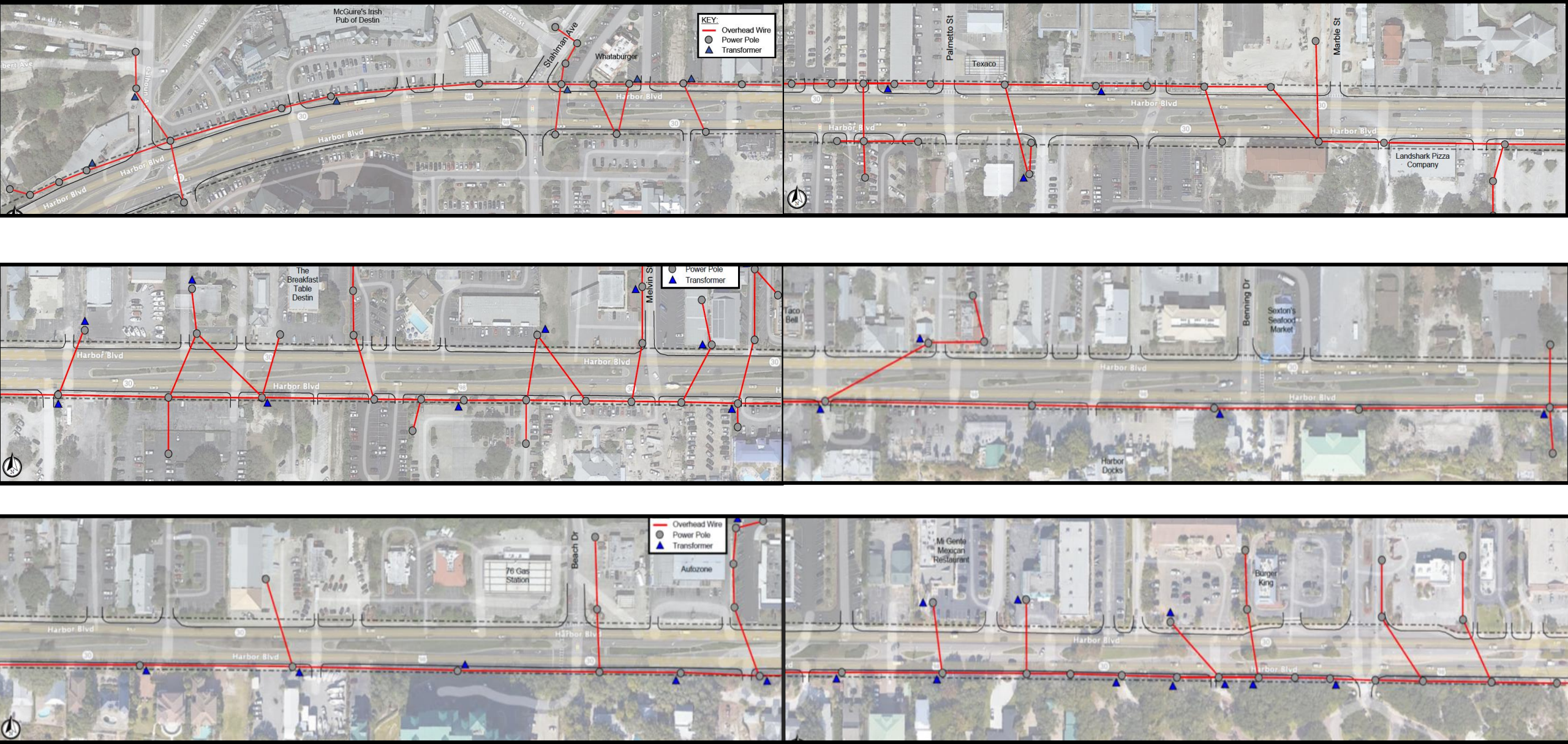


SECTION 2 | EXISTING UTILITY & DATA COLLECTION OVERVIEW

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021

- FPL
- COMMUNICATIONS
- FDOT

CITY OF DESTIN UNDERGROUND CONVERSION PROJECT “PHASE 1” OPINION OF PROBABLE COST





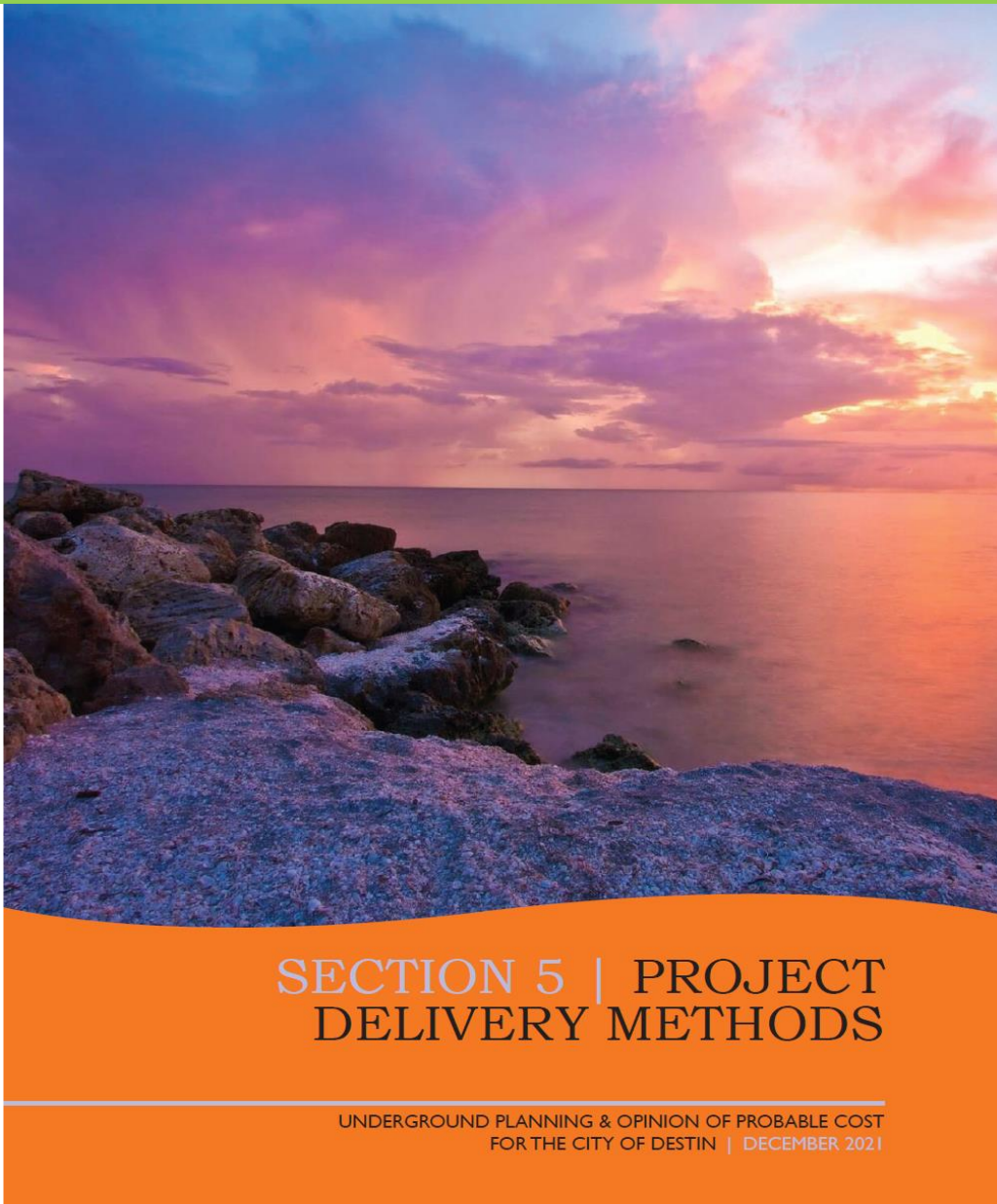
SECTION 3 | DESIGN INITIATIVE CRITERIA

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021

- ENGINEERING DEPOSITS
- SURVEY
- TRANSFORMERS/EQUIPMENT LOCATIONS
- STREETLIGHTING



- COUNCIL
- WORK PROGRAM CONSIDERATIONS
- COST
- TRAFFIC CONTROL



- FLORIDA UNDERGROUND PROJECTS PROCUREMENT
- BEST VALUE
- BUDGET

SECTION 5 | PROJECT DELIVERY METHODS

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021



SECTION 6 | RISK ASSESSMENT

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021

- DESIGN STAGES
- BID PHASE
- CONSTRUCTION



SECTION 7 | PUBLIC OUTREACH

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021

- SOCIAL MEDIA
- EASEMENTS
- CONTRACTOR RELATIONSHIPS
- OUTREACH/TRANSPARENCY



SECTION 8 | OVERAL OPINION OF PROBABLE COST

UNDERGROUND PLANNING & OPINION OF PROBABLE COST
FOR THE CITY OF DESTIN | DECEMBER 2021

- ESTIMATIONS
- CREDITS
- GRANT FUNDING

CITY OF DESTIN UNDERGROUND CONVERSION PROJECT “PHASE 1” OPINION OF PROBABLE COST

Item No.	Description	Opinion of Probable Cost Phase 1
1	Overhead to Underground Conversion - FPL	\$ 8,393,540
2	Utility Costs – Century Link, Cox & Uniti Fiber	\$ 3,234,675
4	Restoration/MOT/Incidentals/Permitting/Survey	\$ 1,522,80
5	Construction Management & Oversight	\$ 866,250
6	FPL Credit	\$ (2,310,000)
	Subtotal Undergrounding Project Costs	\$ 11,607,265
	10% Contingency	\$ 1,160,726
	Total Undergrounding Project Costs	\$ 12,867,992

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.B.

TO: City Council
THRU: Lance Johnson, City Manager
FROM: Webb Warren, Deputy City Manager
DATE: 1/12/22
SUBJECT: Visioning Session/Strategic Plan Review

I. BACKGROUND: Destin hosted it's most recent annual visioning and strategic plan review session in January of 2021. Information from this session was used to create the currently adopted FY2022 Strategic Plan and was also used to assist with the FY2022 budgeting process.

As with last year's session, we will review at a high level the status of our current plan's elements and gather information to assist in the planning of the fiscal year 2023 budget, projects and initiatives. Since most of the projects and initiatives included in our current plan require multiple years to complete, we are not looking to make major changes to the existing plan. Rather, we are looking to reaffirm our commitment to the current plan and identify tweaks to priorities that the Council desires within the current plan. We are also looking for potential future projects and/or initiatives to be identified so that staff have adequate time to research the resources that these would require prior to the beginning of the FY2023 budget cycle beginning in late May so that the Council has the data they need to make fact-based decisions when allocating funds.

II. DISCUSSION: The 2022 Destin visioning and strategic plan review session will be held on January 27th, 2022. Staff has provided a draft agenda for the session.

- A. Link to Strategic Goals / Objectives:** Financially Sound City Providing Service Excellence
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION: Staff is providing the visioning and strategic plan review session's draft agenda for Council review. This agenda item is also an opportunity to provide information about this public meeting to our residents and businesses. Departmental

directors of the organization collaborated to help put together this draft agenda.

During the upcoming visioning and strategic plan review session, staff will be seeking guidance from Council on any proposed desired changes to priorities within the strategic plan as well as any projects or initiatives to research for the upcoming budgeting season.

IV. RECOMMENDED MOTION: I move to accept the agenda for the 2022 visioning and strategic plan review session.

OR

I move to accept the agenda for the 2022 visioning and strategic plan review session as amended (if any changes are proposed).

Attachments:

1. Agenda for Visioning and Strategic Plan Review Session - Jan 27 2022
2. FY21-22 Strategic Plan Poster
Adopted 07.19.21

DRAFT OUTLINE – 1/12/22

City of Destin's Strategic Plan Review

January 27, 2022 Agenda

Laura Rakas - Facilitator

- ▶ Welcome and intro
 - Overview of the day
- ▶ Where are we as an organization – “A Year in Review”
 - Mission, Vision, and Values
 - Accomplishments
 - Current Project Commitments
- ▶ Key Customers, Priorities, Partnerships
 - Comments from Strategic Partners
- ▶ Public Comments
- ▶ Where are we going?
 - Department Updates
 - Recreation
 - Library
 - Community Development
 - Code Compliance
 - Public Works
 - Human Resources
 - City Clerk
 - IT
 - Public Information
 - Grants and Projects
 - Finance
 - City Manager's Office
 - Council & Mayor key initiatives and projects

- Mayor Jarvis
 - Councilman Destin (Mayor Pro Tem)
 - Councilman Braden
 - Councilman Wagner
 - Councilman Bagby
 - Councilwoman Hebert
 - Councilman King
 - Councilman Schmidt
-
- ▶ Council desired changes to priorities established in the current adopted strategic plan
 - ▶ Projects/initiatives for staff to research for upcoming budgeting season (Fiscal Year '23)
 - ▶ Wrap-up



Strategic Plan FY21-22

VISION 2035

DESTIN IS A FAMILY- ORIENTED BEACH AND FISHING COMMUNITY WHERE PEOPLE WANT TO LIVE, WORK & PLAY AND WHERE VISITORS ARE WELCOMED TO RESPECTFULLY ENJOY OUR COMMUNITY AND ITS RESOURCES.

PRIORITIZED KEY CUSTOMER GROUPS

1. Year-Round Residents
2. Destin-Based Businesses
3. Visitors

STRATEGIC GOALS 2026

1. Financially sound city providing service excellence
2. A green and sustainable environment
3. Improve mobility and connectivity
4. Enhanced quality of life and safety for families
5. Economic development and revitalization
6. Effective, efficient, and aesthetically pleasing infrastructure

COUNCIL OBJECTIVES FY21/22

SECTION 1

CRITICAL PRIORITIES

- 1.1 Offer livable wages & benefits to attract and maintain high caliber, qualified staff

IMPORTANT PRIORITIES

- 1.2 Complete two-lane Crosstown Connector
- 1.3 Public Beachfront acquisition initiative
- 1.4 Underground Utilities
- 1.5 Zerbe St/Calhoun Ave Phase II -Design pedestrian pathway under Marler Bridge

DESIRABLE PRIORITIES

- 1.6 Research viability of Multi-use Convention/Sports/Community Center (Phase 1 Feasibility Study)
- 1.7 Annexation of unincorporated enclaves
- 1.8 Transit/Trolley system
- 1.9 City Marina (Phase 1 Feasibility Study)
- 1.10 Improve parking, explore options (i.e., garage, surface, etc.)
- 1.11 Beach Re-nourishment, planning and scheduling

MANAGEMENT OBJECTIVES FY21/22

SECTION 2

CRITICAL PRIORITIES

- 2.1 Balance resources (Staffing, Time, Money) with mandatory & non-mandatory functions/projects/tasks
- 2.2 Funding sources for beach acquisitions
- 2.3 Funding sources for Undergrounding Utilities

IMPORTANT PRIORITIES

- 2.4 Develop and implement processes for consistent and streamlined application of codes and procedures; Streamline Livery Vessel Regulation & permitting; Streamlined, prompt consistent building permitting
- 2.5 Improve communications with Council/Public/Staff
- 2.6 Continuous improvement of contract management process.
- 2.7 Key Functions/Services: Continuous improvement of effectiveness and efficiency

DESIRABLE PRIORITIES

- 2.8 Establish Park Foundation to assist with acquisitions, renovations and maintenance

MANAGEMENT IN PROGRESS FY21-25

SECTION 3

CRITICAL PRIORITIES

- 3.1 Memorialize institutional knowledge
- 3.2 Plan for renewal and replacement of city facilities and infrastructure
- 3.3 Monitor Restore Act grants

IMPORTANT PRIORITIES

- 3.4 Implement enhanced signage control
- 3.5 Develop/Implement Wayfinding Program; Improvement of the City's gateways; move "Welcome Sign" to east side of bridge
- 3.6 Update Golf Cart/Low Speed Vehicle (LSV) Rules
- 3.7 Implement a roadway striping program
- 3.8 Provide training to Board and Committee members
- 3.9 Improve sidewalks (wider, more walkable)
- 3.10 Enforce residential boat and RV parking regulations
- 3.11 Monitor beach cleaning with Okaloosa County
- 3.12 Redevelopment (citywide)

DESIRABLE PRIORITIES

- 3.13 Reestablish Environmental Committee

MAJOR PROJECTS FY21-25

SECTION 4

CRITICAL PRIORITIES

- 4.1 Implement and Manage COMPASS software
- 4.2 Harbor Capacity Study (USACE)
- 4.3 Land Development Code revision
- 4.4 Impact Fee Study
- 4.5 Building Permit Fee Study

IMPORTANT PRIORITIES

- 4.6 Update BTR Fee Schedule and processes
- 4.7 Construct Capt. Royal Melvin Heritage Park
- 4.8 Zerbe St/Calhoun Ave Phase II -Design pedestrian pathway under Marler Bridge
- 4.9 Hwy 98 Median Improvement project
- 4.10 Norriego PT. Ph. III - Recreation Components
- 4.11 Renovate Clement Taylor Park
- 4.12 Redevelop Joe's Bayou Recreation Area
- 4.13 Continuity of streetlights/Conversion to LEDS
- 4.14 Implement prioritized stormwater improvements based on the Stormwater Master Plan

DESIRABLE PRIORITIES

- 4.15 Design and construct Gulf Power Easement Trail/Linear Park
- 4.16 Design and construct pickleball courts

PRIORITY LEVELS

■ CRITICAL PRIORITY

An objective that must be successfully accomplished within a specified amount of time. (no matter what)

□ IMPORTANT PRIORITY

A priority that can have a significant impact on performance. Resources are fixed and the variable is either time or the objective.

■ DESIRABLE PRIORITY

A priority where both resources and time are variables. The organization desires and outcome but cannot absolutely commit specific resources over any specifiable time period. *Resources are fixed for all critical and important priorities, therefore, it may become necessary to transfer resources from DESIRABLE priorities to CRITICAL priorities.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022
TYPE OF AGENDA ITEM: City Manager Report
AGENDA OUTLINE NUMBER: 4.C.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Announcements:

- 1) Crosstown Connector and Waterfront Access Update.
 - 2) Business View Article
 - 3) State of the City Address to be held at the February 22nd Council Meeting.
-

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:
- B. Effect on Budget (EOB):
- C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022**TYPE OF AGENDA ITEM:** Ordinance**AGENDA OUTLINE NUMBER:** 5.A.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney**DATE:** December 9, 2021**SUBJECT:** First reading of Ordinance 21-24-PC - Amending the Future Land Use Map to include a change in the Future Land Use designation of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).

I. BACKGROUND: During the November 19, 2018, City Council meeting, the Council approved a motion directing Staff to research waterfront and beachfront properties to acquire. The effort aims to increase the public's access to the beaches of Destin. The two subject properties, 2942 & 2970 Scenic Highway 98, were listed early in the process as properties for acquisition due to their location in the vicinity of the existing Crystal Shores Park at the end of Hutchinson Street and Scenic Highway 98. The City of Destin and Okaloosa County partnered to purchase the subject properties, and in October and November 2020, the purchase was finalized.

II. DISCUSSION: Currently, 2942 Scenic Highway 98 – Parcel ID: 00-2S-22-0590-0000-00CA, is a .23 acre parcel that formerly had five (5) condominium units and has a Future Land Use Map (FLUM) designation of **Crystal Beach Resort (CBR)**.

Currently, 2970 Scenic Highway 98 – Parcel ID: 00-2S-22-0584-0000-0030, is a .44 acre parcel that previously had a single-family dwelling and has a Future Land Use Map (FLUM) designation of **Crystal Beach Neighborhood (CBN)**.

Both lots are now owned jointly by the City of Destin and Okaloosa County. The purpose of the purchase is to develop Crystal Shores Park into a larger park to increase public beach access in an area where it is limited. Redesignating the properties to **Recreation** will align the properties with the City's FLUM and allow for the properties to subsequently be rezoned to **Recreation**.

The final step in the alignment of the Future Land Use Map and the Zoning Map will be to adopt and codify both maps into the City's Comprehensive Plan and Land Development Code, respectively.

Figure 1: 2942 & 2970 Scenic Highway 98 - Current Zoning



- A. Link to Strategic Goals / Objectives:** Objective 1.3 Public Beachfront acquisition initiative & Goal #4 Enhanced quality of life and safety for families.
- B. Effect on Budget (EOB):** No anticipated Effect on Budget
- C. Level of Service (LOS):** Increased access to public beaches.

III. CONCLUSION: The proposed FLUM amendments and subsequent rezoning will bring the properties into alignment and are consistent with other City park properties.

At a public hearing held at the regularly scheduled Local Planning Agency meeting on December 2, 2021, the Local Planning Agency heard and discussed the proposed Ordinance 21-24-PC (and its accompanying rezoning Ordinance 21-25-LC). The Local Planning Agency unanimously voted to forward a recommendation of approval to the City Council.

IV. RECOMMENDED MOTION: I move that the City Council approve proposed Ordinances 21-24-PC on first reading and direct the City Clerk to transmit the Ordinance to the Department of Economic Opportunity.

Attachments:

1. 21_24_PC FLUM Amendment (1)

ORDINANCE NO. 21-24-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE FUTURE LAND USE MAP AS REFERENCED IN CHAPTER 1 OF THE COMPREHENSIVE PLAN TO INCLUDE A CHANGE IN THE FUTURE LAND USE DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR FUTURE LAND USE MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-0590-0000-00CA AND 00-2S-22-0584-0000-0030)

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Recreation (REC) land use provides for publicly and privately owned property and facilities, with the intent to promote natural resource enhancement and to promote open spaces around buildings; and

WHEREAS, the City of Destin is the owner of the property and desires to use the property for a city park; and

WHEREAS, the applicant desires to change the future land use designation from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC) for future land use category in the City's Comprehensive Plan on a parcel of land set forth in Exhibit A, lying within the corporate limits of the City; and

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on December 2, 2021, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

SECTION 3. ADOPTION OF THE AMENDMENT TO THE FUTURE LAND USE MAP:

The City of Destin's Future Land Use Map is hereby amended by changing the future land use category from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC) for the specific area of land that is described and depicted on Exhibit A, attached hereto and fully incorporated herein by this reference.

SECTION 4. TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY:

The City Manager or his designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning agency, in accordance with the Community Planning Act.

SECTION 5. INCORPORATION INTO COMPREHENSIVE PLAN. Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin's Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 6. CONFLICTING PROVISIONS. All prior inconsistent ordinances and resolutions adopted by the City Council, or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed by this ordinance to the extent of such conflict.

SECTION 7. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 8. EFFECTIVE DATE. The comprehensive plan amendment shall not become effective until 31 days after the State Planning Agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date the Administration Commission enters a final order determining that the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it becomes effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

(Signature Page Follows)

ADOPTED THIS ____ DAY OF _____ 2022.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney, for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Land Use Attorney

First Reading: _____

Second Reading: _____

EXHIBIT A

Parcel ID Numbers: 00-2S-22-0590-0000-00CA

00-2S-22-0584-0000-0030

Crystal Port Common Area, according to the Plat thereof as recorded in Plat Book 7, Page(s) 76, of the Public Records of Okaloosa County, Florida.

And

Lot 3, THE SHORES OF CRYSTAL BEACH, a Planned Unit Development, a Resubdivision of a Portion of Block B, Crystal Beach Subdivision, according to the Plat thereof as recorded in Plat Book 13, Page 82 of the Public Records of Okaloosa County, Florida.



CITY OF DESTIN – COMMUNITY DEVELOPMENT



AGENDA ITEM

MEETING DATE: January 18, 2022
BOARD/COMMITTEE: City Council
TYPE OF AGENDA ITEM: Ordinance
OUTLINE NUMBER: 5.B.

TO: City Council

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director

FROM: Kimberly Kopp, Land Use Attorney

DATE: December 13, 2021

SUBJECT: First reading of Ordinance 21-15-PC - Creating a new chapter of the City of Destin's Comprehensive Plan, "Property Rights Element" pursuant to state law.

I. BACKGROUND: Section 163.3167(2), Florida Statutes, requires that each local government maintain a comprehensive plan in compliance with the Community Planning Act. Pursuant to Section 163.317, Florida Statutes, the comprehensive plan, through required and optional elements, provides principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements. Currently, the City of Destin's Comprehensive Plan consists of the following elements: Future Land Use, Transportation, Housing; Public Facilities, Conservation, Coastal Management, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Economic Development, and Public School Facilities.

This year, the Florida Legislature changed the provisions of Chapter 163, Florida Statutes effective on July 1, 2021, to ensure that private property rights are considered in local decision making. Now, under state law, local governments are required to adopt a new Property Rights Element into the Comprehensive Plan.

II. DISCUSSION: Consistent with state law, the new Property Rights Element would contain the following language:

Policy 1A-1.1.1: Private Property Rights in Decision-Making. *The City Council shall consider the following rights in local decision-making:*

1. The right of a property owner to physically possess and control his or her

interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

*3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, **subject to state law and local ordinances.****

*4. The right of a property owner to dispose of her property through sale or gift.
(**Bold underlined** language added per council directive)*

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: At a public hearing held at the regularly scheduled Local Planning Agency meeting on December 2, 2021, the Local Planning Agency recommended the City Council approve Proposed Ordinance 21-15-PC - Property Rights Element for compliance with state law.

IV. RECOMMENDED MOTION: I move that the City Council approve proposed Ordinance 21-15-PC - Property Rights Element on first reading and direct the City Clerk to transmit the Ordinance to the Department of Economic Opportunity.

Attachments:

1. Property Rights Element Ordinance
(2)

ORDINANCE NO. 21-15-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, CREATING A NEW CHAPTER OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "PROPERTY RIGHTS ELEMENT" PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE AND JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for enactment of this Ordinance is Article 1, Section 1.01 (b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, Section 163.3167(2), Florida Statutes, requires that each local government maintain a comprehensive plan in compliance with the Community Planning Act; and

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the City of Destin, Florida, proposes to amend the City's Comprehensive Plan to adopt a Property Rights Element as set forth herein; and

WHEREAS, pursuant to Section 163.3177, Florida Statutes, the comprehensive plan, through required and optional elements, shall provide principles, guidelines, standards, and strategies for the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area that reflects community commitments to implement the plan and its elements; and

WHEREAS, the comprehensive plan shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations;

WHEREAS, the City of Destin's Comprehensive Plan was adopted, pursuant to Section 163.3177, consisting of the following elements: Future Land Use, Transportation, Housing; Public Facilities, Conservation, Coastal Management, Recreation and Open Space, Intergovernmental Coordination, Capital Improvements, Economic Development, and Public School Facilities; and,

WHEREAS, the Florida Legislature changed statutory provisions of Chapter 163, Florida Statutes effective on July 1, 2021 to ensure that private property rights are considered in local decision making and required the adoption of a Property Rights Element into the Comprehensive Plan; and

WHEREAS, the City Council desires to update the Comprehensive Plan consistent with such statutory changes by adopting a “Property Rights Element”; and

WHEREAS, the City Council recognizes and respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens; and

WHEREAS, a public hearing has been conducted after due public notice by the Local Planning Agency and its recommendations reported to the City Council; and

WHEREAS, a public hearing has been conducted by the City Council after due public notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol *** represents sections of the Comprehensive Plan that have been skipped and remain unchanged.

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as “Chapter 1A – Property Rights Element - of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020”.

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: ADOPTION OF THE PROPERTY RIGHTS ELEMENT:

PROPERTY RIGHTS ELEMENT

OBJECTIVE 1A-1.1 ENSURE LOCAL GOVERNMENTS CONSIDER PRIVATE PROPERTY RIGHTS IN LOCAL DECISION-MAKING.

Policy 1A-1.1.1: Private Property Rights in Decision-Making. The City Council shall consider the following rights in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property, subject to state law and local ordinances.

4. The right of a property owner to dispose of her property through sale or gift.

SECTION 6: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or his designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 7: INCORPORATION INTO COMPREHENSIVE PLAN.

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 8: SEVERABILITY.

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 9: EFFECTIVE DATE.

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the

amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS ____ DAY OF _____ 2022.

BY: _____
Gary Jarvis, Mayor

ATTEST:

Lance Johnson, City Manager

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land Use
Attorney for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Land Use Attorney

First Reading: January 18, 2022

Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: January 18, 2022**TYPE OF AGENDA ITEM:** Ordinance**AGENDA OUTLINE NUMBER:** 5.C.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney**DATE:** December 9, 2021**SUBJECT:** First reading of Ordinance 21-25-LC - Amending the official Zoning Map as referenced in the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC).

I. BACKGROUND: During the November 19, 2018, City Council meeting, the Council approved a motion directing Staff to research waterfront and beachfront properties to acquire. The effort aims to increase the public's access to the beaches of Destin. The two subject properties, 2942 & 2970 Scenic Highway 98, were listed early in the process as properties for acquisition due to their location in the vicinity of the existing Crystal Shores Park at the end of Hutchinson Street and Scenic Highway 98. The City of Destin and Okaloosa County partnered to purchase the subject properties, and in October and November 2020, the purchase was finalized.

II. DISCUSSION: Currently, 2942 Scenic Highway 98 – Parcel ID: 00-2S-22-0590-0000-00CA, is a .23 acre parcel that formerly had five (5) condominium units and has a Future Land Use Map (FLUM) designation of **Crystal Beach Resort (CBR)**.

Currently, 2970 Scenic Highway 98 – Parcel ID: 00-2S-22-0584-0000-0030, is a .44 acre parcel that previously had a single-family dwelling and has a Future Land Use Map (FLUM) designation of **Crystal Beach Neighborhood (CBN)**.

Both lots are now owned jointly by the City of Destin and Okaloosa County. The purpose of the purchase is to develop Crystal Shores Park into a larger park to increase public beach access in an area where it is limited. Redesignating the properties to **Recreation** will align the properties with the City's FLUM and allow for the properties to subsequently be rezoned to **Recreation**.

The final step in the alignment of the Future Land Use Map and the Zoning Map will be to adopt and codify both maps into the City's Comprehensive Plan and Land Development Code, respectively.

Figure 1: 2942 & 2970 Scenic Highway 98 - Current Zoning



- A. Link to Strategic Goals / Objectives:** Objective 1.3 Public Beachfront acquisition initiative & Goal #4 Enhanced quality of life and safety for families.
- B. Effect on Budget (EOB):** No anticipated Effect on Budget
- C. Level of Service (LOS):** Increased access to public beaches.

III. CONCLUSION: The proposed FLUM amendments and subsequent rezoning will bring the properties into alignment and are consistent with other City park properties.

At a public hearing held at the regularly scheduled Local Planning Agency meeting on December 2, 2021, the Local Planning Agency heard and discussed proposed rezoning Ordinance 21-25-LC (and the accompanying comp plan amendment via separate ordinance). The Local Planning Agency unanimously voted to forward a recommendation of approval to the City Council.

IV. RECOMMENDED MOTION: I move that the City Council approve proposed Ordinance 21-25-LC on first reading and direct the City Clerk to advertise for second reading.

Attachments:

1. 21_25_LC Zoning Map Amendment_REC (1)

ORDINANCE NO. 21-25-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM CRYSTAL BEACH RESORT (CBR) AND CRYSTAL BEACH NEIGHBORHOOD (CBN) TO RECREATION (REC); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Parcel ID Numbers: 00-2S-22-0590-0000-00CA AND 00-2S-22-0584-0000-0030)

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is Article 1, Section 1.01(b) of the City Charter, Section 166.021, Florida Statutes and Chapter 163, Part II, Florida Statutes.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the Recreation (REC) zoning provides for publicly and privately owned property and facilities, with the intent to promote natural resource enhancement and to promote open spaces around buildings; and

WHEREAS, the City of Destin is the owner of the property and desires to use the property for a city park; and

WHEREAS, the City Council desires to administratively rezone the parcels depicted in Exhibit A, from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC); and

WHEREAS, the City Council has determined that this ordinance is consistent with the adopted comprehensive plan and is in the best interests of the City and its citizens;

WHEREAS, after due public notice, a public hearing was conducted by the Local Planning Agency on December 2, 2021, and its recommendations reported to the City Council; and

WHEREAS, after due public notice, a public hearing has been conducted by the City Council.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DESTIN, OKALOOSA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 3. ZONING MAP AMENDMENT. The Official Zoning Map of the City of Destin, Florida, as referenced in the Land Development Code, section 7.12.01(A)2, Zoning Maps, is hereby amended to include a change of zoning map designation from **from Crystal Beach Resort (CBR) and Crystal Beach Neighborhood (CBN) to Recreation (REC)**, for the parcels with Okaloosa County Parcel ID numbers 00-2S-22-0590-0000-00CA AND 00-2S-22-0584-0000-0030 which are generally depicted and described in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 4. INCORPORATION INTO LAND DEVELOPMENT CODE. This ordinance shall be incorporated into the City of Destin's Land Development Code and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

SECTION 5. CONFLICTING PROVISIONS. Special Acts of the Florida Legislature applicable to the incorporated area of the City of Destin, City Ordinances and City Resolutions, or parts, thereof, in conflict with the provisions of this ordinance are hereby superseded by this ordinance to the extent of such conflict.

SECTION 6. SEVERABILITY. Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or provision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

ADOPTED THIS ____ DAY OF _____ 2022.

BY: _____
Gary Jarvis, Mayor

ATTEST:

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Land Use Attorney for the City of Destin, only .

Rey Bailey, City Clerk

Kimberly Romano Kopp, City Land Use Attorney

EXHIBIT A

**Parcel ID Numbers: 00-2S-22-0590-0000-00CA
 00-2S-22-0584-0000-0030**

Crystal Port Common Area, according to the Plat thereof as recorded in Plat Book 7, Page(s) 76, of the Public Records of Okaloosa County, Florida.

And

Lot 3, THE SHORES OF CRYSTAL BEACH, a Planned Unit Development, a Resubdivision of a Portion of Block B, Crystal Beach Subdivision, according to the Plat thereof as recorded in Plat Book 13, Page 82 of the Public Records of Okaloosa County, Florida.





Office of the City Manager

Phone: 837-4242

Fax: 650-9250

MEMORANDUM

DATE: January 3, 2022

TO: Mayor and City Council

FROM: **Human Resources Manager/Nichole DeVito**

THRU: Deputy City Manager/Webb Warren
City Manager/Lance Johnson

SUBJECT: City Manager Evaluation

As part of the annual evaluation process for the City Manager's position, council members are able to speak with the City Manager regarding their performance during the evaluation period and/or provide feedback via the evaluation form. Should council members choose to fill out the form, it is to be turned in to Human Resources. At this time, Human Resources has not received any feedback forms to be reviewed by Council.

Evergreen Solutions, the firm that is doing our staff's compensation study, selected most of these Florida cities for reference. Some of these are neighboring cities in the Panhandle. Others are similar in size, function or are other resort cities across the state. Evergreen classified the cities as either partial or full-service cities.

*Full Service has Fire/Police/Utilities

*Partial Service denotes that the city does not directly offer one or more of Fire/Police/Utility services

**City staff provided additional information for Gulf Shores and Orange Beach.

Staff provided the number of employees and city population for all cities for Council's reference.

Organization	City Manager Salary	*Full or Partial Service?	Number of Employees	Population of Full-Time Residents
Callaway	\$ 140,670.00	Partial	91	13,045
Cocoa Beach	\$ 143,270.00	Full	325	11,354
Destin	\$ 135,262.40	Partial	111	13,931
Fernandina Beach	\$ 142,827.30	Full	386	13,052
Fort Walton Beach	\$ 139,761.00	Full	320	20,922
**Gulf Shores, AL	\$ 170,000.00-185,000.00 *range provided by GS	Full	323 FT	15,014
Marco Island	\$ 194,250.00	Full	155	15,760
Naples	\$ 206,000.00	Full	508	19,115
New Smyrna Beach	\$ 158,908.36	Full	267	30,142
Niceville	\$ 149,448.00	Full	192	15,772
Oldsmar	\$ 167,200.00	Partial	158	14,898
**Orange Beach, AL	\$ 160,000.00	Full	362	8,095
Panama City	\$ 158,620.00	Full	154	32,939
Panama City Beach	\$ 150,000.00	Full	353	18,094
Pensacola	\$ 182,956.80	Full	851	54,312
Safety Harbor	\$ 161,761.60	Partial	183	17,072
Seminole	\$ 161,313.36	Partial	157	19,364



**Office of the
City Manager**

Phone: 837-4242

MEMORANDUM

DATE: January 13, 2022
TO: City Council
FROM: Human Resources Manager/Nichole Rivera
THRU: Deputy City Manager/Webb Warren
SUBJECT: City Manager Information Requested By Councilmember

1. What was the start date when the current City Manager became the interim City Manager?

8/6/2018

1a. What was the salary/auto reimbursement amount at that time?

Interim salary rate was \$123,821.10. Vehicle allowance was \$400

2. What was the date he became CM and lost the "interim" title?

City Manager start date: 12/17/2018

2a. What was the salary/auto amount at that time once "interim" removed if any change?

Salary \$123,821.10 Vehicle allowance \$400

3. What was the starting/ending salary of the previous two city managers?

Lejeune: Start \$119,000.18 7/16/16 Ending 8/14/18 123,821.10 + \$400 Vehicle allowance

Kisela: Start \$116,197.90 8/11/14 + \$500 vehicle allowance Ending: \$120,901.04 + \$500 vehicle allowance

4. What impact/where does the money come from for any increase in the salary?

Cost of Living and potential merit Increases are budgeted in the annual personnel budget.

5. Do we have an updated resume on file for CM?

No updated resume on file since the hire date.

6. Can you please send me the job description for the CM position?

ATTACHED Section 1. Duties defined in City Manager Contract.

Section 1. Duties

- A.** The City Council hereby employs Johnson as City Manager of the City, to perform the functions and duties as specified in the City Charter, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign beginning upon the City Manager's first day of work at the City which will be December 17, 2018.
- B.** The City Manager shall not take any action that contradicts the position or direction that the City Council takes upon a majority vote, nor shall the City Manager disregard the consensus of the City Council.
- C.** The City Manager recognizes that the City government exists first and foremost to serve the citizens of Destin, and that the members of the City Council are the duly elected representatives of the citizens of Destin. Accordingly, and as the City's executive of the City government's administrative component, the City Manager owes a duty of loyalty to the City Council.
- D.** The City Manager shall report to the City Council and shall perform his duties as City Manager under the direction of the City Council, and he shall answer to the City Council. Except for those items expressly addressed in the City of Destin Charter, Code of Ordinances, and state law, individual City Councilmembers cannot mandate the City Manager to perform any task.
- E.** The City Manager shall not act outside the duties assigned to him by the City Council, the City of Destin City Charter, the Code of Ordinances, and other applicable laws.
- F.** If the City Manager objects to direction assigned to him by the City Council, then the City Manager shall immediately communicate his objections to the City Council at the public meeting at which such direction is given. If the City Manager does not communicate his objection openly at the public meeting and the City Council does not alter its direction, then the City Manager has a duty and obligation to faithfully perform as directed.
- G.** The City Manager must ensure that all directions of the City Council are fulfilled and simply assigning these directions to the City's staff does not fulfill this duty. If City Council directions are assigned to the City's staff, then the City Manager has a duty and obligation to ensure that the City's staff has complied with and completed the City Council's directions.
- H.** The City Manager shall entrust all the City's legal work to the City Attorney, City Land Use Attorney, and any other attorneys approved of by a vote of the City Council. The City Manager shall not hire any attorneys to perform any work for the City without obtaining approval by a majority vote of the City Council. This process shall be utilized even if the City Manager elects to pay for any attorney out of the City Manager's discretionary fund.
- I.** The City Manager shall, as soon as reasonably practicable, provide to the City Council any information about a potential or current department head that could negatively affect the City's public image, or whom has committed an action that could cause the City to be sued.
- J.** The City Manager shall make reasonable efforts to apprise the City Council of any major employment changes to City staff. Major employment changes include any reassignment, transfers, or redefining of any appointed Department Heads or the Deputy City Manager.
- K.** If the City Manager desires to fill the position of Deputy City Manager, then the City Manager shall present his nominee to the City Council at a duly noticed regular or special City Council meeting and the nominee shall fill the position of Deputy City Manager only upon a majority vote of the City Council.
- L.** The City Manager owes a duty to both the City and the City Council over the International City/County Management Association ("ICMA"), the Florida City and County Management Association ("FCCMA"), and the Florida League of Cities ("FLC"). While each organization is important, all three organizations are voluntary organizations that promulgate rules and regulations that are merely suggestive and not legally binding.

M. If the City Manager is temporarily unable to perform his duties for any reason, then he shall designate an Acting City Manager, and the Deputy City Manager shall receive priority for the designation of Acting City Manager.

N. The City Manager shall perform all his duties within a reasonable period of time. City Manager shall make every effort to perform his duties within the timeframes and deadlines set by the City Council, or imposed by law, applicable policy, or rule.

First Name	Todd
Last Name	Buhr
Home Address	4510 Luke Ave
City	Destin
State	FL
Zip	32541
Phone	3344943749
Email	toddbuhr@hotmail.com
Business Name	<i>Field not completed.</i>
Business Address	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip	<i>Field not completed.</i>
Brief description of education and experience:	Education: B.S. - United States Military Academy at West Point; M.S. - Engineering Management, University of Missouri-Rolla; M.S. - Aerospace Engineering, University of Colorado. Experience: Served in the Army for 26.5 years as a helicopter pilot, experimental test pilot, and project manager. Served in a variety of leadership positions throughout my career. Recently retired after attaining the rank of Colonel.
How long have you lived in Destin?	7 years
Are you currently a resident of Destin?	Yes

Are you a registered voter in Okaloosa County?	Yes
Do you currently hold a public office?	No
Have you ever been convicted of a felony?	No
If you have been convicted of a felony, please explain and provide date(s).	<i>Field not completed.</i>
List any city boards or committees you are currently a member of.	NONE
Select the board or committee you are interested in serving on.	Local Planning Agency
List your qualifications to serve on the selected board or committee.	Homeowner in Destin since 2014. Owner of long term and short term rental properties. Have served as an HOA board member for the past 4 years. Participated in Envision Destin.during the last Comprehensive Plan update.
What do you consider the purpose of this board/committee to be?	Act in an advisory capacity and first level of review for on matters relating to the Comprehensive Plan and Land Development Code amendments, re-zonings, and vacations of rights-of-way/easements.
What would you like to see this board/committee accomplish?	Facilitate responsible land use that complies with the existing Comprehensive Plan and LDC while carefully balancing the interests of both developers and Destin's full-time residents.
If you have discussed this application with any member(s) of the Destin City Council, please identify them.	James Bagby

BY CHECKING THE ELECTRONIC SIGNATURE VERIFICATION BOX BELOW, I INDICATE MY DESIRE TO SERVE THE CITY OF DESTIN IN A VOLUNTARY CAPACITY AS A MEMBER OF ONE OF ITS BOARDS, COMMITTEES, PANELS OR COMMISSIONS. I ALSO CONFIRM MY UNDERSTANDING OF THE MEETING TIMES AND ATTENDANCE REQUIREMENTS, AND WHERE APPLICABLE, THE REQUIREMENT TO FILE AN ANNUAL FINANCIAL DISCLOSURE FORM (FORM 1). I UNDERSTAND THAT I WILL BE REQUIRED TO FILE THIS FORM ANNUALLY IF SELECTED AS A MEMBER OF THE LOCAL PLANNING AGENCY OR BOARD OF ADJUSTMENT. INITIAL FILING WILL BE

*REQUIRED WITHIN 30 DAYS OF APPOINTMENT; FOLLOWING THAT, I WILL
BE NOTIFIED BY MAIL BY THE COMMISSION ON ETHICS OR THE
SUPERVISOR OF ELECTIONS OFFICE.*

Signature

Electronic Signature Verification

Date

1/12/2022

Email not displaying correctly? [View it in your browser.](#)