

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

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

Destin City Council

Mayor Gary Jarvis
Councilmember Dewey Destin
Councilmember Bobby Wagner
Councilmember Johnny King

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
Human Resources Manager Nichole DeVito
Land Use Attorney Kim Kopp

Deputy City Manager Webb Warren
Finance Director Krystal Strickland
Code Compliance Manager Joey Forgione
Public Works Director Michael Burgess
Community Dev. Director Louis Zunguze
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 pm. Pastor David J. Butler of Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

INAUGURATION OF INCOMING CITY COUNCIL MEMBER BOBBY WAGNER

Reverend David J. Butler administered the Oath of Office to newly appointed Council member Bobby Wagner.

AGENDA APPROVAL

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

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

2. PUBLIC COMMENTS

Ms. Marcie Bell, a Destin resident, commented on agenda item 4A – *Increase Public Parking at Norriego Point Park*, stating that parking in that area is not closed off after hours. She recommends placing chain barriers at that lot, similar to the one they use at Leonard Destin Park or Clement Taylor Park, to help alleviate undesirable activities happening in that area at night.

Ms. Bell also commented on the two beach parcels the city purchased on Scenic Hwy 98. She stated that one of the parking lots has a sign that reads, “*Little Adventure Parking Permit Required.*” She stated there is a “Little Adventure” building belonging to the TDC located on one parcel, and that the sign seems to indicate that a special permit associated with that building is required in order to park in that area. She added that the city purchased the park for the public and not just for Okaloosa County TDC.

3. ***CONSENT AGENDA

- A. Resolution 21-18 Financial Institution Signature Authority
- B. Single-Family Residential Marine Construction Proposed at 3943 Indian Trail
- C. Repair of Storm Sewer and Pavement on Mountain Drive (behind Taco Bell)
- D. Proposed Bert Harris Settlement Agreement for 633 Gulf Shore Drive
- E. Approval of minutes of November 15, 2021 Regular City Council Meeting
- F. Approval of minutes of October 18, 2021 Regular City Council Meeting
- G. Draft Committee/Board minutes
- H. 3TP Ventures, Inc. Renewal of Contract

Councilmember Braden moved for approval of Consent Agenda items 3A thru 3H, as printed above; seconded by Councilmember. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

4. CITY MANAGER REPORTS

- A. Increase Public Parking at Norriego Point Park

According to the City Manager, the council approved a Major Development Order for a docking facility located at 1 Gulf Shore Drive, with the condition that the Gulf Shore Drive Extension Construction Agreement be clarified so that the design and amount of parking in the city’s public right-of-way be determined in the city’s discretion. The council also expressed a desire to redesign the Gulf Shore Drive Extension such that the amount of available public parking is increased. He recommends the hiring Jenkins Engineering, one of the city’s continuing services contractors, to redesign the Gulf Shore Drive Extension in a manner that increases available public parking.

Councilmember Schmidt asked for an estimated number of parking spaces they can add in that right-of-way.

Community Development Director Louis Zunguze stated they could potentially add about 40 parking spaces.

Councilmember Destin moved to approve the modifications to the Gulf Shore Drive Extension Construction Agreement and direct the City Manager to issue a task order to Jenkins Engineering with a not to exceed amount of \$60,000.00 to redesign the Gulf Shore Drive Extension in a manner that increases available public parking, and to adopt a budget amendment related to the contribution to be provided by the developers. Councilmember Bagby provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

B. Resolution 21-16 - Amendment to Exhibit A Flowchart. Aligning the Strategic Planning, Budgeting and City Manager Evaluation Process

The City Manager noted that Resolution 21-16 has been amended aligning the Strategic Planning, Budgeting and City Manager evaluation processes.

Motion by Councilmember Bagby, seconded by Councilmember King, to amend Resolution 21-16, with the revised Exhibit A, passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

C. Volunteer Committee/Board Appointments

The following individuals were appointed to the city’s standing committees and boards:

Board of Adjustment:

- Cyron Marler

Councilmember Bagby moved to nominate Mr. Cyron Marler for appointment to the Board of Adjustment, seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

- Kimberley Mergler

Councilmember Wagner moved to nominate Ms. Kimberley Mergler for appointment to the Board of Adjustment, seconded by Councilmember Braden. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted “yes”; Councilmember Hebert was absent from the meeting).

- Robert Pinard

Councilmember Destin moved to nominate Mr. Robert Pinard for appointment to the Board of Adjustment, seconded by Councilmember Wagner. Motion passed 6-0

(Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- James Moomaw

Councilmember King moved to nominate Mr. James Moomaw for appointment to the Board of Adjustment, seconded by Councilmember Destin. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

Local Planning Agency:

- Bekah Manley

Councilmember Wagner moved to nominate Ms. Bekah Manley for appointment to the Local Planning Agency, seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

Public Works/Safety Committee:

- John Stephens

Councilmember Schmidt moved to nominate Mr. John Stephens for appointment to the Public Works/Safety Committee, seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

- Mark Brown

Councilmember Bagby moved to nominate Mr. Mark Brown for appointment to the Public Works/Safety Committee, seconded by Councilmember Wagner. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

D. Announcements

The City Manager made the following announcements:

- Christmas Parade is scheduled for Saturday, December 11th, at 10 AM. Requests members of the council to arrive at 9:30 AM.
- Annual Harbor Boat Parade to be held on Sunday, December 12th, at 6 PM
- There is a challenge for Destin businesses along US Hwy 98, especially in the Harbor District, to decorate their storefronts and property as part of the city's annual Christmas decorating contest. They have until December 13th to decorate. Judging will take place on December 14th and 15th. Winners will be announced at the December 20th city council meeting.

- “Visit from Santa” at the Destin Library on Wednesday, December 15th, at 6 PM. Those who plan to attend should call the library at 837-8572 to make reservations.
- Copies of document – *Opinions of Probable Cause* – from the Utility Consultants of Florida, the city’s undergrounding project contractor, have been distributed to the council. The firm will be present at the December 20th city council meeting to discuss the information contained in the document and answer questions from the council.

5. PUBLIC HEARINGS

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

A. Councilmember Braden

Councilmember Braden asked staff to address the issue brought about by a previous speaker regarding a parking lot sign at the city’s Crystal Beach property, the dedicated parking spaces for TDC employees, and the required special permit to park in that lot.

Deputy City Manager Webb Warren explained that a small parking area has been provided for the TDC workers at the “Little Adventure” building. There are also dedicated parking spaces for the lifeguards assigned to that area. He also stated that staff will review the sign in the parking lot to make sure it reads the way they intended for it to read and report back to council.

Councilmember Braden recommends they encourage businesses on US Hwy 98 to sponsor a median and place Christmas decorations/lights as well as their business signs in the median to have more Holiday decorations on those medians without the city burdening the whole costs which could be quite expensive.

B. Councilmember Wagner

C. Councilmember Destin

Councilmember Destin inquired as to other projects and timelines involve for the Shore at Crystal Beach parcels.

Mr. Warren stated that both he and the City Attorney are working with the county and the TDC to secure a third parcel, and that they believe they are very close to obtaining that parcel. They also have some draft plans for the park as part of the city’s interlocal agreement with the county. He added they are hoping to resume development of the park by next year.

Councilmember Destin requested an update on the timelines for the crosstown connector.

According to Mr. Zunguze, staff plans to provide an update at the January 18, 2022 city council meeting.

Councilmember Destin noted that the "Welcome to Destin" sign located on the west end of the Marler Bridge is starting to fade. He asked if staff has a plan, or can create a plan, to try to refurbish the sign.

According to the City Manager, they already have a backup sign, and that he believes the base is prepared to allow the city to perform their normal maintenance of the sign.

D. Councilmember Bagby

Councilmember Bagby complimented the city's Community Center staff for a fabulous job on the Tree Lighting ceremony. He also praised city staff for a great job organizing the Christmas Party on Saturday, December 4th

E. Councilmember Hebert

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt echoed Councilmember Bagby's sentiments about the Christmas Party and congratulated everyone that participated in its preparation.

Councilmember Schmidt recommends the placement of a chain barrier to the Norriego Point Park after hours similar to other parks in the city.

According to the City Manager, he is not aware of the fact they are chaining any of their parks at this time, adding they have not done so during his tenure as Parks and Recreation Director. He also added they are not closing any of their parking areas with the possible exemption of the brand-new park on Calhoun Avenue. However, he will doublecheck and report back to council.

Councilmember Destin noted that Norriego Point Park is not an official park, but only a parking area, at this time as FDEP has not officially turned it over to the city. He recommends closing the parking area at night and for staff to bring back some proposals at the next council meeting.

In terms of the hours of operation for city parks, Councilmember Wagner recommends they schedule park closure at least 15 minutes after sunset to allow everyone the experience of viewing the sunset from the parks.

The City Manager noted it is completely within the authority of this council to change the hours of operations of city parks.

H. Mayor Gary Jarvis

I. Land Use Attorney

1. Bert Harris Claim - 3465 Scenic Hwy 98
2. Bert Harris Claim - 3486 Scenic Hwy 98

The Land Use Attorney explained these items are simply Bert Harris pre-suit notices of claims and not pending litigation. Under the Bert Harris statute, pre-suit notices are first provided to the city to give them the opportunity to review the claim and decide whether they want to make a settlement offer.

Mr. Stephen Tatum, the attorney of record for both claims, noted that both are vacant lots at this time. Both properties are asking for a height increase from 30 feet to 35 feet. Both properties were purchased prior to the changes to the city's comprehensive plan limiting the height of single-family homes in the Crystal Beach Neighborhood zoning district to 30 feet. Both houses are surrounded by 3-story homes and the decrease in building heights would disallow 3-story homes. This would result in the diminution of property value of \$240,000 for 3465 Scenic Hwy 98, and \$550,000 for 3486 Scenic Hwy 98 just for the reduction in square footage that is available for a third floor. Both parties are asking for a 5 feet height increase.

According to the Land Use Attorney, staff has no problem with the request and that it is a decision for the city council. They recommend council makes a good faith settlement offer whether it be a height increase up to 5 feet, or a monetary settlement offer.

Councilmember Schmidt stated there is a reason for reducing building heights in this zoning district and he expressed concern considering a settlement such as this would set precedence for future claims. He recommends placing a caveat in the motion to require the property to adhere to the current code in terms of occupancy requirements.

The Land Use Attorney noted the current occupancy requirement is 2 persons per bedroom plus 4 more persons.

Councilmember Bagby moved to grant the 5 feet height increase for both properties as long as the applicants agree to adhere to the occupancy requirements based upon the current code, seconded by Councilmember Wagner. Motion passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

J. City Attorney

1. Council representative to the Emerald Coast Regional Council (ECRC)

The City Attorney stated that due to the recent vacancy on the city council, the city council representative for the Emerald Coast Regional Council needs to be filled. Councilmember Hebert is currently the alternate representative for this seat. She is absent from tonight's meeting, but she has previously asked that this item be included on his report and to inform the council of her desire to fill the primary seat of the Emerald Coast Regional Council. The city council should also appoint an alternate to this seat.

Motion by Councilmember Bagby, seconded by Councilmember Destin, to appoint Councilmember Hebert as the primary council representative to the ECRC passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

Motion by Councilmember Bagby, seconded by Councilmember Schmidt, to appoint Councilmember Wagner as the alternate council representative to the ECRC passed 6-0 (Council members Schmidt, King, Bagby, Destin, Wagner and Braden voted "yes"; Councilmember Hebert was absent from the meeting).

7. PUBLIC COMMENTS

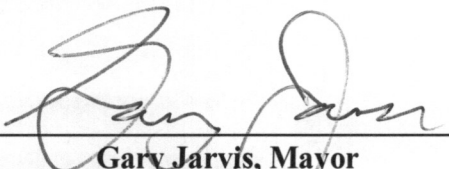
Ms. Patti Brown, a Destin resident, expressed her appreciation to both the city and county for the improvements made at James Lee Park. She noted that new fencing has been erected to protect the sea oats, beautiful landscaping added, and turtle lighting and new roofing have been placed.

Councilmember Schmidt stated that Holiday decorations on medians on US Hwy 98 look amazing and complimented the parties responsible.

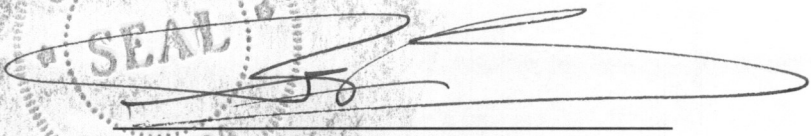
ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 6:50 PM.

ATTEST:



Gary Jarvis, Mayor



Rey Bailey, City Clerk