

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
DECEMBER 21, 2020
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 Skip Overdier

Councilmember Terésa Hebert

Councilmember Johnny King (Virtual – 6:25 PM)

Councilmember Prebble Ramswell

Councilmember Kevin Schmidt

Councilmember Dewey Destin

Destin City Staff

City Manager Lance Johnson

Deputy City Manager Webb Warren

Grants/Project Manager Jeffrey Cozadd

Building Official Noelle Bell

Public Information Officer Catherine Card

Finance Director Krystal Strickland

City Land Use Attorney Kimberly Kopp (Virtual)

City Clerk Rey Bailey

Public Services Director Michael Burgess

City Engineer Donald Smith

Parks/Recreation Director Lisa Firth

IT Technician James Lauria

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

The Mayor called the meeting to order at 6:00 p.m.; which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Destin, seconded by Councilmember Overdier, to approve the agenda passed 5-0 (Council members Schmidt, Hebert, Overdier, Destin and Ramswell voted “yes”; Councilmember King was not present during the voting; Councilmember Braden was absent from the meeting).

1. APPROVAL OF MINUTES

A. Approval of minutes of December 14, 2020 City Council Workshop

Councilmember Ramswell moved for approval of minutes of December 14, 2020 City Council Workshop; seconded by Councilmember Overdier. Motion passed 5-0 (Council members Schmidt, Hebert, Overdier, Destin and Ramswell voted “yes”; Councilmember King was not present during the voting; Councilmember Braden was absent from the meeting).

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. 2020 Destin Christmas Parade Winners

A plaque was presented to each of the following 2020 Destin Christmas Parade winners:

Noel Award/Band Award: Fort Walton Beach High School and Destin Middle School Bands

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: AJ's Seafood and Oyster Bar

Angel Award/Religious Award: Safe Harbor

Crowd Pleaser: Destin Water User

B. Recognition of 2020 Holiday Decorating Contest Winners

A plaque was presented to each of the following 2020 Holiday Decorating Contest Winners:

Best Home: Sally Biedenbarn, 808 Mars Street, Destin

Best Organization: Chick-Fil-A, 1063 Highway 98 E, Destin

Best Business: I'M SKEWED, 529 Harbor Blvd, Destin

Best of Holiday: James & Nancy Murphy, 618 Sea Oats, Destin

C. Discussion of Norriego Point Surveys/Deeds with Baskerville Donovan Staff

Baskerville Donovan staff – Scott Mills and Andy Phillips – appearing remotely, informed the Council they are available to answer questions concerning the Submerged Land Lease Survey, the 1998 deed (Gulf Shore drive right-of-way extension), and 2010 deed that conveyed Norriego Point Park to the City of Destin from Okaloosa County.

Councilmember Ramswell noted that the Council has received numerous surveys. The Council gave the original tasking on May 4, 2020, and that the initial survey was received in August 31, 2020. An area that was originally requested was not included, which could possibly be due to some miscommunications. The Council also had an issue with the parcel number in

the initial survey which the firm corrected with the second survey. She continued that page 2 of 13 of the most recent survey Council received on November 12, 2020 contains a small box at the bottom of the survey depicting that the common line boundary is as described in the September 15, 1998 deed and July 13, 2010 deed. The same box appeared on page 3 of the survey. However, the box does not appear on page 4 of the survey. Instead, there was an arrow pointing to a 30-foot section at the bottom right-hand corner of the survey which is marked as line $45^{\circ}13'52''$ (45 degrees, 13 minutes, 52 seconds). However, the 1998 deed and the 2010 deed both showed the same line being $44^{\circ}19'00''$. She asked why the lines in the surveys were different when they supposedly utilized and referenced the legal descriptions from the 1998 and 2010 deeds.

Mr. Mills explained it was simply a difference in bearing base. The lines represent the same line except they are on a different bearing base. The 1998 deed was written in a different time period from a different surveyor or a different attorney back in 1998.

Councilmember Ramswell also noted that the right-of-way per deed dated September 15, 1998 is shown on page 9 of the survey. The survey also indicates there is an apparent error in the deed record.

Mr. Mills stated that the legal description is obviously incorrect as they could clearly see the depiction of the road being severely skewed. The deed begins at a point on a curve, and that the first bearing on the curve is out by approximately 40 degrees in the 1998 deed legal description. He also noted that Mr. Burgess sent them a depiction of what they would consider as corrected version of the deed; however, the survey does not have the option of correcting a deed.

Councilmember Ramswell asked which document was used to plot the right-of-way in the survey. According to Mr. Mills, they used the other deeds of record.

Councilmember Ramswell expressed that the conflicting information they have been receiving and the apparent miscommunications that had taken place have been quite frustrating. She asked what it would take to get a corrected road deed.

According to Mr. Mills, it appears the legal description in the 1998 deed was found to be ambiguous; and so, the 2009 deed was created to correct it or to reposition the right-of-way. The 2009 deed created a new geometry with more curvature and a little different configuration. The question they are asking now is what could have possibly superseded the 1998 deed or the 2009 deed.

Councilmember Ramswell noted that one thing they have been asking to see was the property line of the adjacent properties and where the accreted sand was in terms of the surrounding properties and the Mean High-Water Line. It looked as though the hash lines in the survey depict the location of the accreted sand.

Mr. Mills noted it was something they were asked to do by the City of Destin; adding that the two bold lines in the survey represent the 30' wide submerged land lease. He added that the

notation in the survey that the Mean High-Water Line was as it was located on August 6, 2020 was also incorrect.

Councilmember Ramswell expressed that from a logical standpoint, it is hard for her to understand how one plan that shows a 44-degree line is the same as another set of plan with the line changing to a 45 degree line when another legal description is being used because to her, there is a 30-foot or so difference between the two lines.

Mr. Mills noted that deeds are on different bearing bases, which is not unusual; adding it is very common to have two deeds describing the same line on two different bearing bases.

Councilmember Destin stated that if the object of this survey was to establish the right-of-way, it appears that task was accomplished.

According to Mr. Mills, their initial task was to prepare the submerged land lease survey; and in doing so, they plotted the property lines and the right-of-way.

The City Attorney explained that this is all related to the filing of the submerged land lease application as requested by the Council. If the Council is satisfied with the survey, it could then be turnover to City staff so they could finish their analysis of the application. If the Council takes no action tonight, staff will then go back and finish their submerged land lease application and bring back recommendations on how to proceed.

Councilmember Destin moved to accept the survey and turn it over to staff to be used in their analysis of the submerged land lease application to FDEP; seconded by Councilmember Overdier.

Councilmember Ramswell asked whether they should take some action to correct their deed first, since the surveyor has indicated that the deed, as it exists in terms of the road, is incorrect.

According to Mr. Mills, it appears the 2009 deed was prepared to possibly correct the 1998 deed; but they do not exactly know what happened. It may also be a title issue, which is why they recommended that the City conducts a title search.

The City Attorney explained there are some issues with the right-of-way from the title and legal description perspective that need to be cleaned up. This has been discussed at previous Council meeting, and their recommendation has been that since they have a pending development application on that land that may affect that right-of-way in various forms, to allow the Community Development staff and the Land Use Attorney to address this issue in the development review process. He added they should confine this issue to that process so they can put the City into a legally defensible position as they move forward with the right-of-way issue.

Councilmember Schmidt asked what the specific concern was about the 30-foot difference in the survey line switching from the 44-degree line to 45-degree line.

Councilmember Ramswell explained that with the restroom, piping and other infrastructure going into, across and under the right-of-way, 30 feet could make a lot of difference one way or another.

The City Attorney stated that based on what they are hearing from Okaloosa County, they seem to concur with Baskerville-Donovan and FDEP surveyors as it relates to the boundary line. He has also been in communication with FDEP representatives who are managing the park improvements, and they are saying that nothing they have seen so far concerns them to such a degree that they would pull their funding or stop proceeding with permitting for the project. He is recommending allowing City staff and the Land Use Attorney to address all this issues in the development review process.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

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

4. CITY MANAGER REPORTS

A. Complaint Policy Status & Updates

Deputy City Manager Webb Warren informed the Council that the City’s formal complaint policy, to include the whistleblower policy, internal complaint policy and clarification on how the City receives complaint from the public, would be provided to Council for their review and approval in January 2021.

B. Alternate Plan Review and Inspection Policy

The City Manager explained that the Alternate Plan Review and Inspection Policy has been created to implement standards for developers to pay reduced fees related to building permitting requirements when hiring a private provider for plans review and building inspections in accordance with Florida Statutes. The local jurisdiction may not charge fees, other than a reasonable administrative fee, if a private provider is hired to perform this service.

Councilmember Hebert moved to adopt the Alternate Plan Review and Inspection Policy as City policy; seconded by Councilmember Overdier.

Councilmember Destin inquired as to the definition for a “developer,” and whether it would include homeowners who want to pay for their own plans review and building inspections.

The Land Use Attorney explained that Florida Statute do not actually say “developer.” It refers to the “owners” and “contractor” authorized by the owner.

Councilmember Ramswell wants to make sure the City still makes the final review and can make changes, approve, or deny the development; to which the Land Use Attorney replied affirmatively.

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

C. Preparation of Reevaluation of the PD&E study and Public Involvement Element – Crosstown Connector

The City Manager noted that the City entered into a contract with Atkins North America, Inc. for the redesign of the Crosstown Connector from a 4-lane roadway to a 2-lane roadway as instructed by the Council. Staff is seeking authorization to allow the firm to proceed with the project.

Councilmember Destin moved to adopt Resolution 20-30, authorizing and directing the City Manager to execute a Notice to Proceed to Atkins for Part III of the Crosstown Connector Project – Design Change Re-evaluation. Councilmember Overdier provided a second to the motion.

Councilmember Ramswell noted there were properties that would possibly be impacted by the project and that the City was potentially seeking eminent domain. She asked how many of these properties, if any, are still in a position where the City has to seek eminent domain.

City Engineer Donald Smith explained that this determination would be part of the design process. As they get far enough along with the design review, areas impacted would be identified and any right-of-way questions would be answered.

Councilmember Ramswell noted there have been some recent development in that area. She asked if any of these new constructions might affect the crosstown connector project.

Mr. Smith stated they would investigate further to make sure.

The Mayor called for a vote on the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

D. Main Street/Kelly Street Intersection Safety Measures

According to the City Manager, staff is bringing back the safety measure they recommend for Kelly Street and Main Street intersection. The warrant study was completed. A 3-way stop is not warranted based on traffic. However, since there have been multiple pedestrian injuries that have occurred at that intersection, the City still has the right to make it a 3-way or all-way stop, which staff is recommending. If Council approves the implementation of a 3-way

stop at that intersection, staff will take the necessary steps to provide an advance notification to the public, including signage.

Councilmember Ramswell asked whether staff looked into potentially placing speed bumps or other measures to slow down traffic at that intersection.

Councilmember Hebert noted that Councilmember Destin previously recommended the placement of speed bumps as a permanent solution to slowing down traffic at Kelly/Main intersection as well as on Calhoun Avenue

Mr. Smith stated it was not part of this study.

The City Manager noted that part of phase 1 of this project is the monitoring of the intersection after installation of the 3-way stop signs. If it warrants looking at speed bumps for phase 2, staff could certainly do so.

Councilmember Ramswell also recommends they consider placing solar powered stop signs so that the signs will be visible at night.

Councilmember Overdier asked what would cause them to go to phase 2 after they completed phase 1 of the project.

Mr. Smith stated they would move to phase 2 if they receive additional complaints, data driven information from law enforcement such as speeding tickets and accidents, or simply through observations that additional improvement is warranted.

Councilmember Schmidt noted they recently put up the rapid flashing beacon on the crosswalk sign. He asked how this sign would be impacted by the installation of the 3-way stop signs.

Mr. Smith stated that the crosswalk sign would remain even with the installation of the 3-way stop sign; however, since everyone has to stop at the intersection, he would recommend removing that sign and putting it at a mid-block crosswalk or some other locations within the City where they need the additional emphasis since they are not normally utilize at all-way stop intersection.

Councilmember Destin stated that though he understands the phased approach, this particular intersection is dark. Sometimes there are vehicles coming around the corner at a high rate of speed. Flashing stop signs would be more effective in getting their attention.

Councilmember Hebert moved to approve the following:

Phase 1

- 1) Install a lit All-Way Stop Signs at the intersection of Main Street and Kelly Street.**
- 2) Monitor that intersection, and if conditions warrant, to proceed to Phase II**

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

E. Capital Project Status

Finance Director Krystal Strickland briefly discussed the summary of the current capital improvement projects, showing status and year-to-date expenditures and encumbrances.

Councilmember Ramswell noted that \$250,000 has been budgeted for Norriego Point Road, and that it is listed under City of Destin Capital Improvement Plan for the period October 1, 2020 – November 30, 2020. She asked why this road is on the list since it is not a City responsibility.

The City Attorney pointed out that when the budget was set, issues relating to construction of that infrastructure had not been raised at that time. This Council approved the budget for \$250,000 for that particular infrastructure.

Councilmember Ramswell also noted that Harbor CRA Wayfinding Plan Signage is also on the list. They have discussed implementing the signage along US Hwy 98 as well, but she does not see it on the list.

Ms. Strickland explained she did not have that information when the budget went through two public hearings. She continued that the City has a Project Review Team (PRT) that reviews all the current City projects, including such things as the Wayfinding Plan Signage. They have a way within the City to change the project statuses, in which case they have to amend the budget the same way it was adopted. If a major transfer between projects becomes necessary, it would come before Council for approval.

Next, Councilmember Ramswell inquired as to the nature of the Harbor and Bay Capacity Improvements which is listed under Other Capital Projects for \$425,000.

Ms. Strickland explained this is related to the Harbor Capacity Study.

F. Operations Financial Report

Ms. Strickland briefly discussed the City’s Operations Financial Report – the monthly financial report on the general fund and the two community redevelopment agencies (CRA). She explained that the ad valorem taxes under the general fund is in the negative as they have had to transfer funds to the Town Center CRA to help meet its debt covenant; however, it will be filled when property taxes come in December or January.

Councilmember Ramswell asked what can be done moving forward so they do not have to transfer funds to the Town Center CRA.

Ms. Strickland explained it was a timing anomaly this year because the City's general fund paid its debt service for its first few years. The Town Center CRA had a very low cash balance at the beginning of the year and did not have enough to make 3 full months of the debt service without receiving the City's portion of the property taxes. She stated that she expects things to go smoothly in the future.

G. Announcements

- 1) City Facilities will be closed on December 24th & 25th and on January 1st.

Councilmember Ramswell moved to designate New Year's Eve, December 31, 2020, as a holiday for City staff; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

Grants/Project Manager Jeff Cozadd announced that today, Okaloosa County has issued the City of Destin a Notice to Proceed for Capt. Royal Melvin Heritage Park Improvements Project. It would allow the City to move forward with the construction phase of the project.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 20-18-LC – Amending Article 3 "Definitions" and Article 8 of the Land Development Code to prohibit motorized scooter rental businesses, offices, and other related and uses within the City of Destin

The City Attorney read proposed Ordinance 20-18-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ARTICLE 3 "DEFINITIONS" OF THE LAND DEVELOPMENT CODE; AMENDING ARTICLE 8 OF THE LAND DEVELOPMENT CODE TO PROHIBIT MOTORIZED SCOOTER RENTAL BUSINESSES, OFFICES, AND OTHER RELATED LAND USES WITHIN THE CITY OF DESTIN;; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; 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 hearing portion of this proceeding and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Overdier, seconded by Councilmember Schmidt, to approve proposed Ordinance 20-18-LC on second reading passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

- B. Second reading of Ordinance 20-31-CN -Amending Article VII "General Provisions" of the City Charter to create a new section prohibiting the conveyance, sale, lease or

other transfer of interest of City parks without a super majority vote of the City Council; providing for a referendum on the charter amendment, providing for a ballot question for a vote at the March 9, 2020 Special Election.

The City Attorney read proposed Ordinance 20-31-CN by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE VII "GENERAL PROVISIONS" OF THE CITY CHARTER TO CREATE A NEW SECTION PROHIBITING THE CONVEYANCE, SALE, LEASE OR OTHER TRANSFER OF INTEREST OF CITY PARKS; PROVIDING FOR A REFERENDUM ON THE CHARTER AMENDMENT; PROVIDING FOR A BALLOT QUESTION; PROVIDING FOR A VOTE AT THE MARCH 9, 2021 SPECIAL ELECTION ON WHETHER TO PROHIBIT THE CONVEYANCE, SALE, LEASE OR OTHER TRANSFER OF INTEREST OF CITY PARKS, SUBJECT TO CERTAIN EXCEPTIONS AS PROVIDED IN THE CHARTER; PROVIDING FOR COORDINATION WITH THE SUPERVISOR OF ELECTIONS; PROVIDING FOR CONFLICTS; SEVERABILITY; AND AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Having none, the Mayor closed the public hearing portion of this proceeding and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Ramswell, seconded by Councilmember Hebert, to approve proposed Ordinance 20-31-CN on second reading and direct the City Clerk to immediately forward the ballot language to the Supervisor of Elections passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

6. *CONSENT AGENDA

- A. FY 2021 Choctawhatchee Bay Alliance (CBA) Contract Renewal
- B. Installation of a Fire Safety and Fire Monitoring System at City Hall, authorization to allow the City Manager to sign an Agreement and to execute a contract amendment
- C. Resolution 20-32, Renewal of the Exclusive Contract Agreement between the City of Destin and Pyro Shows, Inc. for the Destin Independence Day Fireworks on July 4, 2021.
- D. Office Productivity Suite and Email System (Microsoft Office 365)
- E. Financial System (MUNIS) Continuing Services/Licensing and Support Renewal for 20-21
- F. Proposed Bert Harris Settlement Agreement for 3892 Sandprint Drive
- G. Proposed Bert Harris Settlement Agreement for 4646 Destiny Way
- H. Proposed Bert Harris Settlement Agreement for 91 Dolphin
- I. Proposed Bert Harris Settlement Agreement for 96 Cobia Street
- J. Proposed Bert Harris Settlement Agreement for 3462 Scenic Highway 98
- K. Proposed Bert Harris Settlement Agreement for 71 Stingray

Councilmember Ramswell requests Consent Agenda item 6B be pulled for further discussion.

Motion by Councilmember Hebert, seconded by Councilmember Overdier, to pull Consent Agenda item 6B for further discussion, and approve Consent Agenda items 6A, and 6C thru 6K, as printed above, passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted “yes”; Councilmember Braden was absent from the meeting).

There were some discussions relative to Consent Agenda item 6B. According to Councilmember Ramswell, there is apparently no sprinkler system at City Hall and City Hall Annex. She asked if they are considering installing a sprinkler system in both places.

The Mayor noted that sprinkler system is very expensive to install, and that it is usually done during construction.

Public Services Director Michael Burgess stated that it is not currently being considered because it will be a very expensive proposition.

Councilmember Ramswell stated that it is an issue they may need to address in the near future.

The Mayor recommends having the Destin Fire Control District at least conduct an evaluation of City facilities to make sure they have the required number of fire extinguishers.

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

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

A. Councilmember Braden

B. Councilmember Ramswell

Councilmember Ramswell inquired as to the status of the utility undergrounding selection.

The City Attorney stated that the Council ranked the bidders and awarded the contract to Utility Consultants of Florida, LLC at their special meeting held in October 2020. The Council’s second choice, CPWG Madrid, subsequently filed a protest. According to the City’s procurement policy, when there is a bid protest the City Manager must first issue a written determination whether the bid protest is valid. The City Manager did issue a written determination that it was not a valid protest. The firm that filed the protest then had 5 days to appeal that findings to the City Council, which they did not do. The City is currently negotiating the contract with Utility Consultants of Florida, LLC for the utility undergrounding services, and they will bring that to the City Council for their consideration at a later date.

Councilmember Ramswell noted they recently received an email with pictures from a citizen showing a collapsed pavilion roof at James Lee Park, and that she has discussed this issue with the Deputy City Manager Webb Warren.

Mr. Warren announced that Okaloosa County and the Tourist Development Council are in close coordination with the lessee responsible for the maintenance of that facility, and they expect the problem to be remedied as soon as possible.

Councilmember Ramswell noted numerous complaints from the public about a section of US Hwy 98 that drops down from 3-lane road to a 2-lane road, with the right lane turning into a right-turn only lane without sufficient warning causing a safety problem.

Mr. Burgess stated that he has contacted and expressed this concern to the construction inspection engineer for the project and the District 3 office in Chipley, and they have forwarded the complaint to the engineer of record. They are waiting for their comments and possible corrective actions.

C. Councilmember Destin

1) Permitting Issues/Solutions

Councilmember Destin stated that the biggest complaint he has received so far since his re-election to the City Council was the amount of time it takes to get a building permit. He discussed this matter with the Community Development Director Louis Zunguze, and that Mr. Zunguze is very confident the new program they are installing will greatly improve the process. He requests the City Manager discuss this matter with the Community Development Department staff to see if they could come up with other solutions that could work in conjunction with the new computer program being installed that could help shorten the amount of time it takes to obtain a building permit.

D. Councilmember Overdier

E. Councilmember Hebert

Councilmember Hebert stated that she has discussed the problems with streetlights with City staff, which is an issue a citizen brought forth before the Council recently. She asked the City Manager to reiterate the process currently in place for monitoring and reporting the situation for the benefit of the citizens.

The City Manager announced that residents can report any outage to Gulf Power by going to the Gulf Power website. There is also a link on the City's website they can click on that will take them to that particular site. They could also download a Gulf Power app and report the outage. He explained that Gulf Power does not conduct regular surveys of the lights. They only react to the notifications they receive from various sources including the public.

Mr. Burgess stated that they follow the same process as described by the City Manager. A member of City staff road the entire City for two nights last week and logged every streetlight and pole number that was out. They have entered that information into the Gulf Power website. They typically give Gulf Power a few weeks before doing a follow up to see how many streetlights they initially reported as being out have been repaired. He added there are about 1450 lights within the City limits and they go out constantly.

Councilmember Ramswell mentioned that she has reported 3 lights being out on Indian Trail twice months ago and they are still out.

Councilmember Destin stated that as the City's appointed representative to Gulf Power, he will address this issue with Gulf Power. He also mentioned that he has recently discussed this issue with their franchise attorney who has provided a number of good suggestions; one of which was to set up a meeting with Mr. Bernard Johnson, a regional manager at Gulf Power, and address this issue with him.

Councilmember Hebert stated that residents have been asking her why the City is paying \$3 million for the Destin Fire Control District to purchase a property to construct a fire station just because they do not want them to place the fire station at Clement Taylor Park. She asked the City's Finance Director to explain why the City is not paying for this property at this time.

Ms. Strickland explained that the Destin Fire Control District is a separate legal entity from the City. It is not part of the City's millage rate as they have their own millage rate which they collect from all the households. They also collect impact fees from developers. It was her understanding the money they are using to purchase this property is coming from their existing millage rate and impact fees they have collected over the years.

- F. Councilmember King
- G. Councilmember Schmidt
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

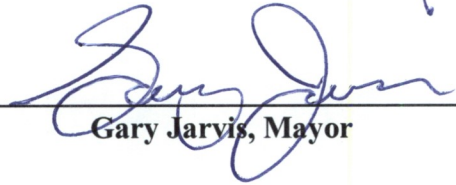
- 1) Request to schedule an executive session pursuant to section 286.011(8), *Florida Statutes*, in the case of *Steven Drummond vs. City of Destin, et al.*, Case Number 2019CA000152 F, in the Circuit Court of the First Judicial Circuit, in and for Okaloosa County, Florida

Motion by Councilmember Hebert, seconded by Councilmember Overdier, to schedule the executive session to discuss the above case on Monday, January 4, 2021, at 5:30 PM passed 6-0 (Council members Schmidt, King, Hebert, Overdier, Destin and Ramswell voted "yes"; Councilmember Braden was absent from the meeting).

8. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:55 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk

