

**REGULAR MEETING
DESTIN CITY COUNCIL
MAY 16, 2022
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Teamwork*****

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 - National Poppy Day

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. Single-Family Residential Marine Construction Proposed at 339 Calhoun Ave (Parcel ID 00-2S-22-0630-0000-17A0)
- B. Single-Family Residential Marine Construction Proposed at 4153 Belcourt Dr (Parcel ID 00-2S-22-4600-0000-0080)
- C. Single-Family Residential Marine Construction Proposed at 516 Osceola Drive (Parcel ID 00-2S-24-2186-000F-0540)
- D. Single-Family Residential Marine Construction Proposed at 529 Norriego Road (Parcel ID 00-2S-24-2186-000F-0030)
- E. Single-Family Residential Marine Construction Proposed at 621 Calhoun Ave (PARCEL ID: 00-2S-22-0630-0000-20A2)
- F. Single-Family Residential Marine Construction Proposed at 441 Calhoun Avenue (PARCEL ID: 00-2S-22-0310-000D-0890)
- G. Ninety percent (90%) Plans for Gulf Shore Drive Extension at Norriego Point Park
- H. Code Compliance Monthly Activity Report
- I. Request for use of ROW for Boathouse Oyster Bar 5k Run
- J. Operations Financial Report
- K. Capital Project Status
- L. Approval of minutes of May 2, 2022 Regular City Council Meeting
- M. Draft Minutes of Board and Committees

N. Monthly Committee Absentee Report - April 2022

4. CITY MANAGER REPORTS

- A. Council Meeting Schedule for July, November and December of 2022
- B. Subaward Agreement Extension - Restore Act/Captain Royal Melvin
- C. Announcements

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 22-06-LC, which changes the list of permitted uses in the Industrial zoning district to allow for one custodian or nightwatchman dwelling per industrial site and establishes maximum square footage for the dwelling unit.
- B. Second reading of Ordinance 22-08-CN, which provides for extension of Ordinance 21-23-CN (Temporary Moratorium on Livery Vessel Permits), extending the temporary moratorium until December 31, 2022, and directing staff to develop recommendations for regulation of livery vessels

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

- A. Councilmember Braden
 - 1. Nomination for appointment to the Town Center CRA Advisory Committee - Dorothy Robinson
- B. Councilmember Wagner
 - 1. Pickleball Presentation
- C. Councilmember Destin
- D. Councilmember Bagby
- 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

Expressing support for the designation of May 27, 2022, as National Poppy Day in Destin and recognizing the importance of honoring those who have worn our nation's uniform

WHEREAS, poppies are worn and displayed as a symbolic tribute to our fallen and the future of living veterans and servicemembers; and

WHEREAS, at the end of World War I, The American Legion Family adopted the poppy as a symbol of freedom and the blood sacrificed by troops in wartimes. The symbolic use of the poppy comes from the poem "In Flanders Fields", which movingly begins, "In Flanders Fields the poppies blow, between the crosses, row on row," referring to the poppies that sprang up in the churned-up earth of newly dug soldiers' graves over parts of Belgium and France; and

WHEREAS, The American Legion Family has long utilized the red poppy as its official flower, symbolizing the blood shed by those who have served in our U.S. military, and the meaning and symbolism of the poppy, mirroring the manner in which the poppy is symbolically showcased in England and Canada in celebratory fashion on their Remembrance Day, also known as Armistice Day and Poppy Day; and

WHEREAS, wearing a poppy will unite citizens from across the country who decide to show their patriotism; and

WHEREAS, May 27, 2022, would be an appropriate date to designate as National Poppy Day.

Now, therefore, be it Resolved, that the Office of the Mayor-

- (1) supports the designation of May 27, 2022 as National Poppy Day; and
- (2) encourages all citizens, resident and visitors in Destin to join in observing this day to honor every servicemember who has died in the name of liberty, freedom and democracy while also showing their support for living veterans, servicemembers and their families.

SO, DONE THIS 16TH DAY OF MAY 2022
BY:

Gary Jarvis, Mayor

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.A.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 6, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 339 Calhoun Ave
(Parcel ID 00-2S-22-0630-0000-17A0)

I. BACKGROUND:

B&W Services, LLC, on behalf of Chatham Morgan, has submitted a permit for one (1) 56' x 4' access pier and one (1) 20' x 4' terminal platform, comprising approximately 304 square feet.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for a marine construction project located at 339 Calhoun Avenue, located on the Choctawhatchee Bay, a Class II Florida Waterbody.

The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, including the following sections:

- *11.05.01.A – Construction of new pilings.*
- *11.05.01.C – Waste Disposal into the Harbor and Waterways of Destin.*
- *11.05.01.F – Length of the pier.*
- *11.05.01.H, 11.05.01.K – Mooring of the vessel.*
- *11.05.01.S – 25' riparian setback.*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and**

Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

1. Enhance Quality of Life
2. Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS): There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION: The contractor provided a Florida Department of Environmental Protection (FDEP) receipt of submittal (Self-Certification File No.: 0416359001EE) for the project. City staff reviewed the application and determined that the plans comply with City Codes and regulations, including *Section 11.05.01, Marina Siting*.

HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on April 25, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 339 Calhoun Avenue, consisting of one access pier and one terminal platform, comprising approximately 304 square feet, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family marine construction project located at 339 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. DEP Permit_v1
2. 22-11-HWB_339 Calhoun
Ave_Abutter Notice
3. 339 Calhoun Scaled Drawing_v2

Ben Williams

From: no-reply@dep.state.fl.us
Sent: Thursday, February 10, 2022 2:30 PM
To: Ben Williams
Cc: ERP.SELFCERTS@DEP.STATE.FL.US; SPGP@USACE.ARMY.MIL;
NMFS.SER.PROGRAMMATICREVIEW@NOAA.GOV;
NWD_ERP_APPLICATIONS@FLORIDADEP.GOV
Subject: FDEP ERP Self-Certification Receipt
Attachments: ATT00001.bin; ac5022e4af92b95bf13a4af5bcb1946.pdf;
626364d58cab7af8d1222438519a497f.pdf; ProjectDesignCriteria_1_01.pdf



FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Receipt for Submission

SELF-CERTIFICATION FOR A PROJECT AT A PRIVATE, RESIDENTIAL SINGLE-FAMILY DOCK

02/10/2022

Self-Certification File No.: **0416359001EE**

File Name: **339 Calhoun Ave Destin, FL 32541 - Self Certification Repair or Replace - Dock (General)**

Dear **Ben Williams**: On **02/10/2022** you used the Florida Department of Environmental Protection's electronic Self Certification Process to certify compliance with the terms and conditions of the Single-Family Dock ERP Exemption Self Certification Process for a project at private, single-family residence located at:

LAT - Degrees: **30** Minutes: **24** Seconds: **20.8403**
LONG - Degrees: **-86** Minutes: **30** Seconds: **18.3449**
SITE ADDRESS: **339 Calhoun Ave Destin, FL 32541**
COUNTY: **Okaloosa**

For:
Chatam Morgan
339 Calhoun Ave Destin, FL 32541

You have certified that the project you propose to construct at the above location meets all the conditions of the Self-Certification Process. A project that is built in conformance to those conditions (attached for reference) will:

1. Qualify for a regulatory exemption under Section 403.813(1)(b) of the Florida Statutes (F.S.) and Chapter 62-330, Florida Administrative Code (F.A.C.). As such, it is exempt from the need to obtain a DEP Environmental Resource Permit.;
2. Qualify for Consent by Rule or Letter of Consent (as applicable) under Chapter 253, F.S. and Chapter 18-21, F.A.C. (and Chapter 258, F.S. and Chapter 18-20, F.A.C., if applicable), when the project is located on submerged lands owned by the State of Florida.

Your Self-Certification is based solely on the information you provided under this process and applies only to the statutes and rules in effect when your certification was completed. The certification is effective only for the specific project proposed, and only if the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the Self-Certification Process. In addition, any substantial modifications in your plans should be submitted to the Department for review, as changes may result in a permit being required.

You have acknowledged that this Self Certification will automatically expire if:

1. Construction of the project is not completed within one year from the self-certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

Receipt of this Self-Certification constitutes authorization to use sovereignty/state-owned submerged lands, as required by rule 18-21.005, F.A.C.

The authorization must be visibly posted during all construction activities.

In waters that are accessible to manatees, obtain information on your mandatory Manatee Protection sign by [clicking here](#).

FEDERAL STATE PROGRAMMATIC GENERAL PERMIT (SPGP)

You have certified that the project you propose to construct at the above location meets all the conditions of the SPGP Self-Certification Process and will be built in conformance to those conditions (attached for reference). Your proposed activity as certified is in compliance with the SPGP program. U.S. Army Corps of Engineers (Corps) Specific conditions apply to your project, attached. **No further permitting for this activity is required by the Corps. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.**

Notifications to the Corps. For all authorizations under this SPGP VI, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:

- a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps
- b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the "Self-Certification Statement of Compliance" form (attached) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
- c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
- d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
 1. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
 2. For electronic mail: SAJ-RD-Enforcement@usace.army.mil (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ-2015-2575 on all submittals.

This SPGP Self-Certification is based solely on the information you provided under this process and applies only to the statutes and rules in effect when your certification was completed. You have recognized that your certification is effective only for the specific project proposed, and provided the project is constructed, operated, and maintained in conformance with all the terms, conditions, and limitations stated in the SPGP Self-Certification Process. This Self-Certification will not apply if any substantial modifications are made to the project. You agree to contact the Department for review of any plans to construct additional structures or to modify the project, as changes may result in a permit being required.

You have acknowledged that this Self-Certification will automatically expire if:

1. construction of the project is not completed by midnight, July 27, 2026, unless construction commenced or a contract to construct was executed before July 27, 2026, in which case the time limit for completing the work authorized by the SPGP ends at midnight, July 27, 2027. However, in no case can construction continue for more than one year beyond the Self-Certification date;
2. site conditions materially change;
3. the terms, conditions, and limitations of the Self-Certification are not followed; or
4. the governing statutes or rules are amended before construction of the project.

Completion of the Self-Certification constitutes your authorization for Department or Corps personnel to enter the property for purposes of inspecting for compliance.

If you have any questions, please contact your local Department District Office. Contact information can be found at:

https://floridadep.gov/sites/default/files/SLERC_contacts_web_map_01-2017_0.pdf.

For further information, contact the Corps directly at:

<https://www.saj.usace.army.mil/Missions/Regulatory.aspx>. When referring to your project, please use the SPGP Self-Certification file number listed above.

Authority for review - an agreement with the U.S. Army Corps of Engineers entitled Coordination Agreement between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection State Programmatic General Permit, Section 10 of the Rivers and Harbor Act of 1899 and Section 404 of the Clean Water Act.

ADDITIONAL INFORMATION

This Self-Certification Process does not relieve you from the responsibility of obtaining other permits or authorizations from other agencies (federal, state, Water Management District, or local) that may be required for the project. Failure to obtain all applicable authorizations prior to construction of the project may result in enforcement.

If you have any questions or issues with the attached documents, please contact your local Department District Office:

Northwest District

NWD_ERP_Applications@FloridaDEP.gov

Sincerely,
Florida Department of Environmental Protection.

Attachments:

FDEP Terms and Conditions

SPGP Terms and Conditions

Project Design Criteria





Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

April 11, 2022

Subject: Notification of Application Submittal – Single-Family Residential Marine Construction – 339 Calhoun Avenue

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a new dock. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, April 25, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Chatam Morgan
2. Name of Agent: Ben Williams
3. Address of Project: 339 Calhoun Avenue
4. Parcel ID Number: 00-2S-22-0630-0000-17A0
5. Project Description: The project proposes construction of a 56' x 4' access pier and one (1) 20' x 4' terminal platform, comprising approximately 304 square feet.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

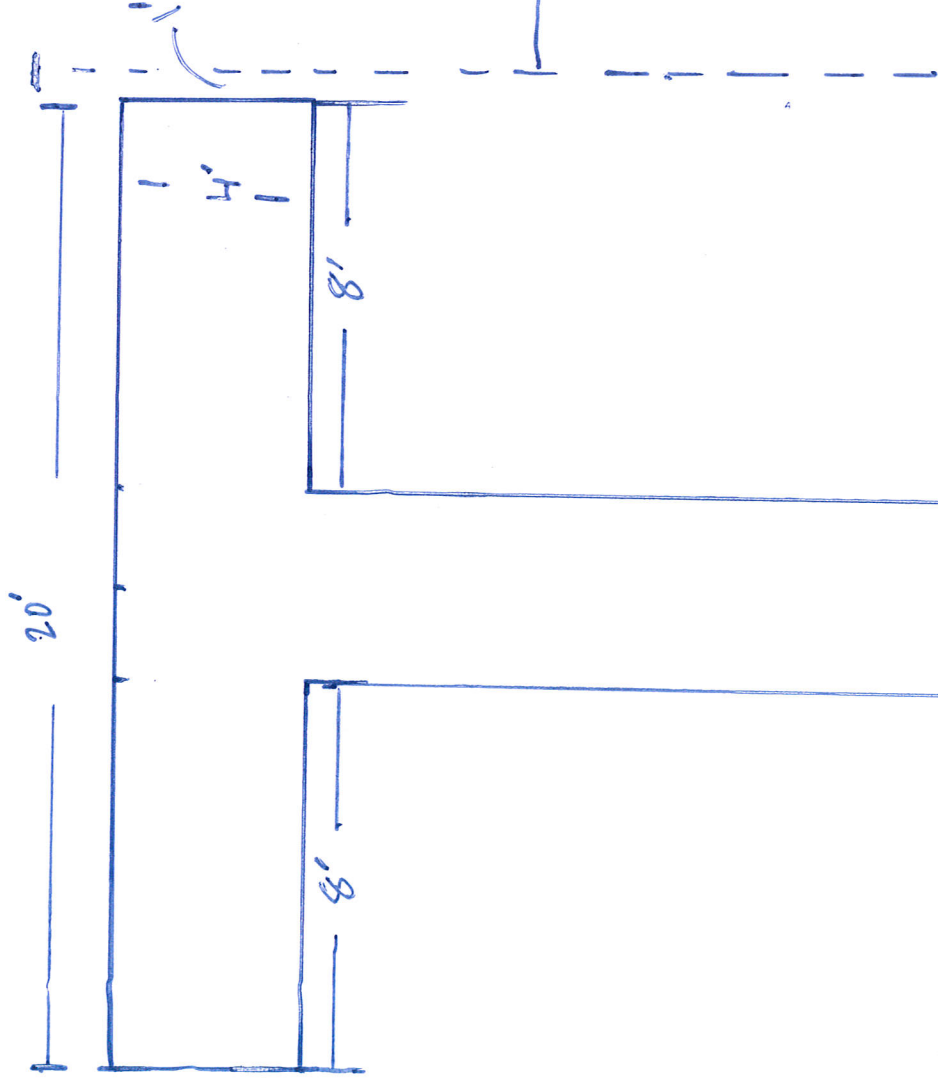
If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

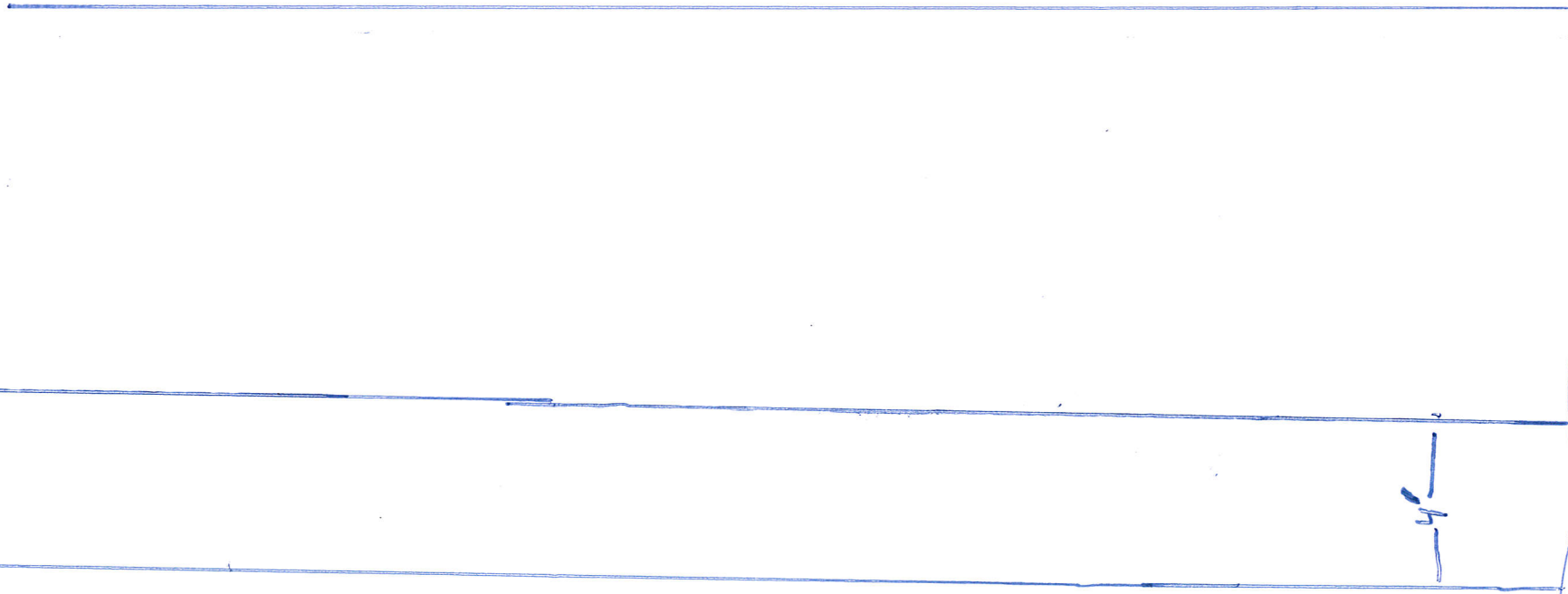
Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File





60'



shore

N

1/8" scale
Riparian
line

1/4" scale
Drawing
Chaton Morgan
339 Calhoun Dr

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.B.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 6, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 4153 Belcourt Dr
(Parcel ID 00-2S-22-4600-0000-0080)

I. BACKGROUND:

William F Davis Construction, Inc., on behalf of Mark J Tenholder, is requesting approval to construct one (1) 88' x 5' access pier, one (1) 16' x 12' terminal platform, one (1) 10' x 7' step-down platform, two (2) 40' x 4' finger pier, one (1) 40' x 18' covered boat slip, one (1) 14' x 13' uncovered boatlift, 20' x 2' roof overhang, and 28' x 6' PWC lifts, comprising approximately 2,132 square feet.

II. DISCUSSION: The applicant requests Harbor and Waterways Board approval for a marine construction project located at 4153 Belcourt Drive, located within Indian Bayou, a Class II Florida Waterbody, and tributary of Choctawhatchee Bay.

The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, including the following sections:

- **11.05.01.A** – Construction of new pilings.
- **11.05.01.C** – Waste Disposal into the Harbor and Waterways of Destin.
- **11.05.01.F** – Length of the pier.
- **11.05.01.H, 11.05.01.K** – Mooring of the vessel.
- **11.05.01.S** – 25' riparian setback.

COMPREHENSIVE PLAN CONSISTENCY: *The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element*

Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

1. Enhance Quality of Life
2. Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS): There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

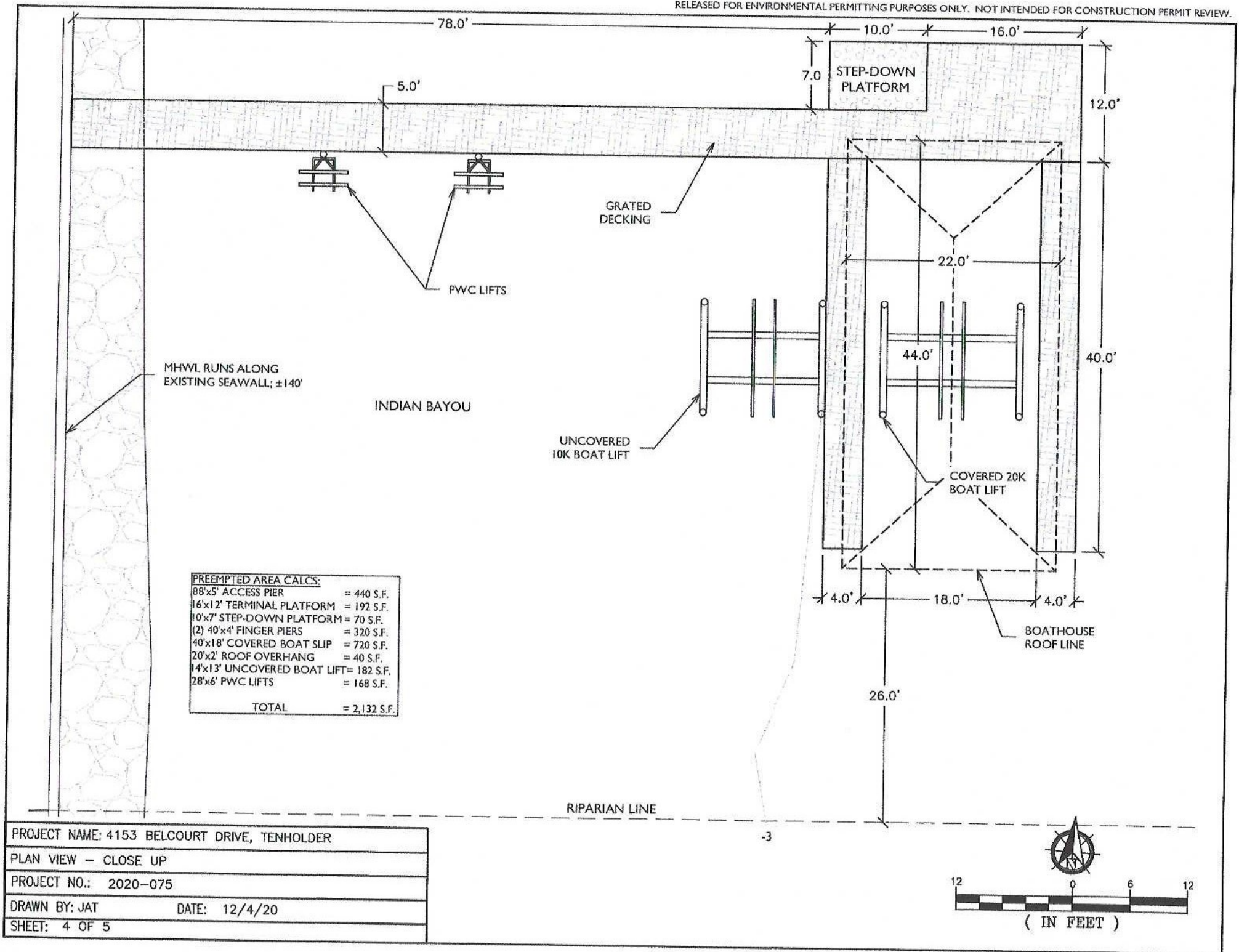
The applicant provided a Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (Permit No: 0396573-001-EI/46, Lease File No: 460359481) and a Department of the Army, Corps of Engineers permit (permit number: SAJ-2021-00118 (RGP-SWA)) for the project. City staff reviewed the application and determined that the plans comply with City Codes and regulations, including ***Section 11.05.01, Marina Siting.***

HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on April 25, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 4153 Belcourt Drive, consisting of **an access pier, a terminal platform, a step-down platform, 2 finger piers, covered and uncovered boatlift, roof overhang, PWC lifts**, comprising approximately 2,132 square feet, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION: I move that the City Council approve the single-family marine construction project located at 4153 Belcourt Drive, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. Tenholder Structural Plan_v1
2. 22-13-HWB_4153 Belcourt
Dr_Abutter Notice
3. Tenholdeer DEP_v1
4. Tenholder Army Corps Permit_v1





Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

April 11, 2022

Subject: Notification of Application Submittal – Single-Family Residential Marine Construction – 4153 Belcourt Dr

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a new dock. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, April 25, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Mark Tenholder
2. Name of Agent: Kelce Shackley
3. Address of Project: 4153 Belcourt Dr
4. Parcel ID Number: 00-2S-22-4600-0000-0080
5. Project Description: The project proposes construction of a 88' x 5' access pier, one (1) 16' x 12' terminal platform, one (1) 10' x 7' step-down platform, two (2) 40' x 4' finger pier, one (1) 40' x 18' covered boat slip, one (1) 14' x 13' uncovered boatlift, 20' x 2' roof overhang, and 28' x 6' PWC lifts, comprising approximately 2,132 square feet.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File





FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740
NWD_EPOST@dep.state.fl.us

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Permittee/Authorized Entity:

Mark Tenholder
4507 Olde Plantation Pl
Destin, FL, 32541 3424, Okaloosa County
mjtenholder@hotmail.com

Tenholder Dock

Authorized Agent:

Jason Taylor
1225 Oakview Rd
Decatur, GA, 30030 4223
oakhurstenvironmental@gmail.com

Environmental Resource Permit

**State-owned Submerged Lands Authorization – Granted Pending Document
Execution**

**U.S. Army Corps of Engineers Authorization – Separate Corps Authorization
Required**

Okaloosa County
Permit No.: 0396573-001-EI/46
Lease File No.: 460359481

Permit Issuance Date: October 8, 2021
Permit Construction Phase Expiration Date: October 8, 2026

Consolidated Environmental Resource Permit and Recommended Intent to Grant Sovereignty Submerged Lands Authorization

Permittee/Grantee: Mark Tenholder
Permit No: 0396573-001-EI/46

PROJECT LOCATION

The activities authorized by this permit and sovereignty submerged lands authorization are located at 4153 Belcourt Dr, Destin, Florida 32541, Parcel ID 00-2S-22-4600-0000-0080, in Section 21, Township 2 South, Range 22 West in Okaloosa County, at 30°24'20.4347" North Latitude, 86°27'8.1933" West Longitude.

PROJECT DESCRIPTION

The permittee is authorized to construct a 88 foot by 5 foot access pier, a 16 foot by 12 foot terminal platform, a 10 foot by 7 foot stepdown platform, two 40 foot by 4 foot finger piers creating a 40 foot by 18 foot covered boatlift, one uncovered boatlift, and 2 single pole personal watercraft (PWC) lifts. The project is located within the landward extent of Choctawhatchee Bay, a Class III Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the preemption of approximately 2,132 square feet of preemption of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

AUTHORIZATIONS

Tenholder Dock

Environmental Resource Permit

The Department has determined that the activity qualifies for an Environmental Resource Permit. Therefore, the Environmental Resource Permit is hereby granted, pursuant to Part IV of Chapter 373, Florida Statutes (F.S.), and Chapter 62-330, Florida Administrative Code (F.A.C.).

Sovereignty Submerged Lands Authorization

The activity is located on sovereignty submerged lands owned by the State of Florida. It therefore also requires authorization from the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees), pursuant to Article X, Section 11 of the Florida Constitution, and Section 253.77, F.S., and Chapter 258, F.S. As staff to the Board of Trustees under Section 253.002, F.S., the Department has determined that the activity qualifies for and requires a lease, as long as the work performed is located within the boundaries as described and is consistent with the terms and conditions herein.

The final documents required to execute the lease will be sent to the lessee by the Department's Division of State Lands for execution. The Department intends to issue the lease, upon satisfactory execution of those documents, including payment of required fees and compliance with the conditions in the previously attached permit. **You may not begin construction of the activities described until you receive a copy of the executed lease from the Department.**

Federal Authorization

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the U.S. Army Corps of Engineers (Corps). You

must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook: (<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the Corps entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Coastal Zone Management

Issuance of this authorization also constitutes a finding of consistency with Florida’s Coastal Zone Management Program, as required by Section 307 of the Coastal Zone Management Act.

Water Quality Certification

This permit also constitutes a water quality certification under Section 401 of the Clean Water Act, 33 U.S.C. 1341.

Other Authorizations

You are advised that authorizations or permits for this activity may be required by other federal, state, regional, or local entities including but not limited to local governments or municipalities. This permit does not relieve you from the requirements to obtain all other required permits or authorizations.

The activity described may be conducted only in accordance with the terms, conditions and attachments contained in this document. Issuance and granting of the permit and authorizations herein do not infer, nor guarantee, nor imply that future permits, authorizations, or modifications will be granted by the Department.

PERMIT / SOVEREIGNTY SUBMERGED LANDS CONDITIONS

The activities described must be conducted in accordance with:

- **The Specific Conditions**
- **The General Conditions**
- **The limits, conditions and locations of work shown in the attached drawings**
- **The term limits of this authorization**

You are advised to read and understand these conditions and drawings prior to beginning the authorized activities, and to ensure the work is conducted in conformance with all the terms, conditions, and drawings herein. If you are using a contractor, the contractor also should read and understand these conditions and drawings prior to beginning any activity. Failure to comply with these conditions, including any mitigation requirements, shall be grounds for the Department to revoke the permit and authorization and to take appropriate enforcement action. Operation of the facility is not authorized except when determined to be in conformance with all applicable rules and this permit and sovereignty submerged lands authorization, as described.

SPECIFIC CONDITIONS – ADMINISTRATIVE/EMERGENCIES

1. The construction phase expires at 11:59 p.m. on the date indicated on the cover page of this permit.
2. For emergencies involving a serious threat to the public health, safety, welfare, or environment, the emergency telephone contact number is (800) 320-0519 (State Warning Point). The Department telephone number for reporting nonthreatening problems or system malfunctions is (850) 595-0663, day or night.
3. The mailing address for submittal of forms for the “Construction Commencement Notice”, “As-Built Certification ...”, “Request for Conversion of Stormwater Management Permit Construction Phase to Operation and Maintenance Phase”, or other correspondence is FDEP, SLERP, 160 W Government St, Suite 308, Pensacola, FL. 32502.

SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION

4. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 foot of the bottom shall be placed around the active construction areas of the site. The screens shall be maintained and shall remain in place for the duration of the project construction to ensure that turbidity levels outside the construction area do not exceed 29 NTU’s above background levels. The permittee shall be responsible for ensuring that turbidity control devices are inspected daily and maintained in good working order so that there are no violations of state water quality standards outside of the turbidity screens.
5. Best management practices for erosion control shall be implemented prior to construction commencement and shall be maintained at all times during construction to prevent siltation and turbid discharges in excess of State water quality standards pursuant to Rule 62-302, F.A.C. Methods shall include but not limited to the use of stacked haybales, stacked filter cloth, sodding, seeding, staged construction and the installation of turbidity screens around the immediate project site.

SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES

6. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.
7. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.
8. All wetland areas or water bodies which are adjacent to the specific limits of construction authorized by this permit shall be protected from erosion, sedimentation, siltation, scouring, excess turbidity or dewatering.
9. Any damage to wetlands outside of the authorized impact areas as a result of construction shall be immediately reported to the Department at (850)595-8300 and repaired by reestablishing the pre-construction elevations and replanting vegetation of the same species, size, and density as

that in the adjacent areas. The restoration shall be completed within 30 days of completion of construction, and the Department shall be notified of its completion within that same 30-day period.

10. The following measures shall be taken immediately by the permittee when turbidity levels within waters of the State surrounding the project site exceed 29 NTUs above background:

- a. Immediately cease work contributing to the water quality violation.
- b. Stabilize exposed soils contributing to the violation. Modify the work procedures responsible for the violation, install additional turbidity containment devices and repair non-functioning turbidity containment devices.
- c. Notify the Department of Environmental Protection, Submerged Lands & Environmental Resources Program, Compliance and Enforcement Section, Northwest District Office, 160 W Government Street, Pensacola, Florida 32502-5794, in writing or by telephone at (850)595-8300 within 24 hours of the time the violation is first detected.

11. There shall be no stock piling of tools, materials, (i.e., lumber, pilings, riprap, and debris) within wetlands, along the shoreline within the littoral zone, or elsewhere within waters/waters of the state.

12. All watercraft associated with the construction of the permitted structure shall only operate within waters of sufficient depth to preclude bottom scouring and prop dredging.

13. All cleared vegetation, excess lumber, scrap wood, trash, garbage and any other type of debris shall be removed from wetlands/waters of the state within 14 days of completion of the work authorized in this permit.

14. This permit does not authorize the construction of additional structures not illustrated on the permit drawings. Examples of additional structures, which are not authorized by this permit include but are not limited to: walkways, doors, awnings, and decking around or under the bottom of the pile-supported structures. Storage of equipment, pesticides, herbicides, construction material, trash receptacles, or part of a septic tank system beneath the pile-supported structure is prohibited.

SPECIFIC CONDITIONS – OTHER LISTED SPECIES

15. This permit does not authorize the permittee to cause any adverse impact to or “take” of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of “take” and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a “take” permit cannot be issued. Requests for further information or review can be sent to FWCConservationPlanningServices@MyFWC.com.

SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES

16. There shall be a minimum 12-inch clearance between the deepest draft of the vessel (with the motor in the down position) and the bottom of the waterbody at mean low so as to preclude bottom scouring or prop dredging.

17. Overboard discharges of trash, human or animal waste, or fuel shall not occur at the dock.

18. The waterward corners of the dock shall be marked by a sufficient number of reflectors so as to be visible from the water at night by reflected light. The reflectors shall not be green or red in color.

GENERAL CONDITIONS FOR INDIVIDUAL PERMITS

The following general conditions are binding on all individual permits issued under chapter 62-330, F.A.C., except where the conditions are not applicable to the authorized activity, or where the conditions must be modified to accommodate project-specific conditions.

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the Agency staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.

3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual* (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual* (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5., F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the Agency a fully executed Form 62-330.350(1), "Construction Commencement Notice," [October 1, 2013], which is incorporated by reference in paragraph 62-330.350(1)(d), F.A.C., indicating the expected start and completion dates. A copy of this form may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C. If available, an Agency website that fulfills this notification requirement may be used in lieu of the form.

5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.

6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:

- a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex – “Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit” [Form 62-330.310(3)]; or
 - b. For all other activities – “As-Built Certification and Request for Conversion to Operational Phase” [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as- built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit “Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity” [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the Agency in writing of changes required by any other regulatory agency that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the Agency in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer

of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.

14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.

16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the Agency will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.

18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with subsection 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant to Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver will not apply to persons who have not received written notice of this action.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact Una Johnson at the letterhead address, at (850)595-0585, or at Martha.U.Johnson@FloridaDEP.gov.

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr
Northwest District Director

EMO:muj

Attachment:

Project Drawings and Design Specs., 5 pages

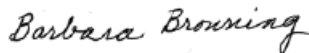
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Kimberly R. Allen, DEP, Kim.Allen@FloridaDEP.gov
Jennifer Waltrip, DEP, Jennifer.Waltrip@FloridaDEP.gov
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com

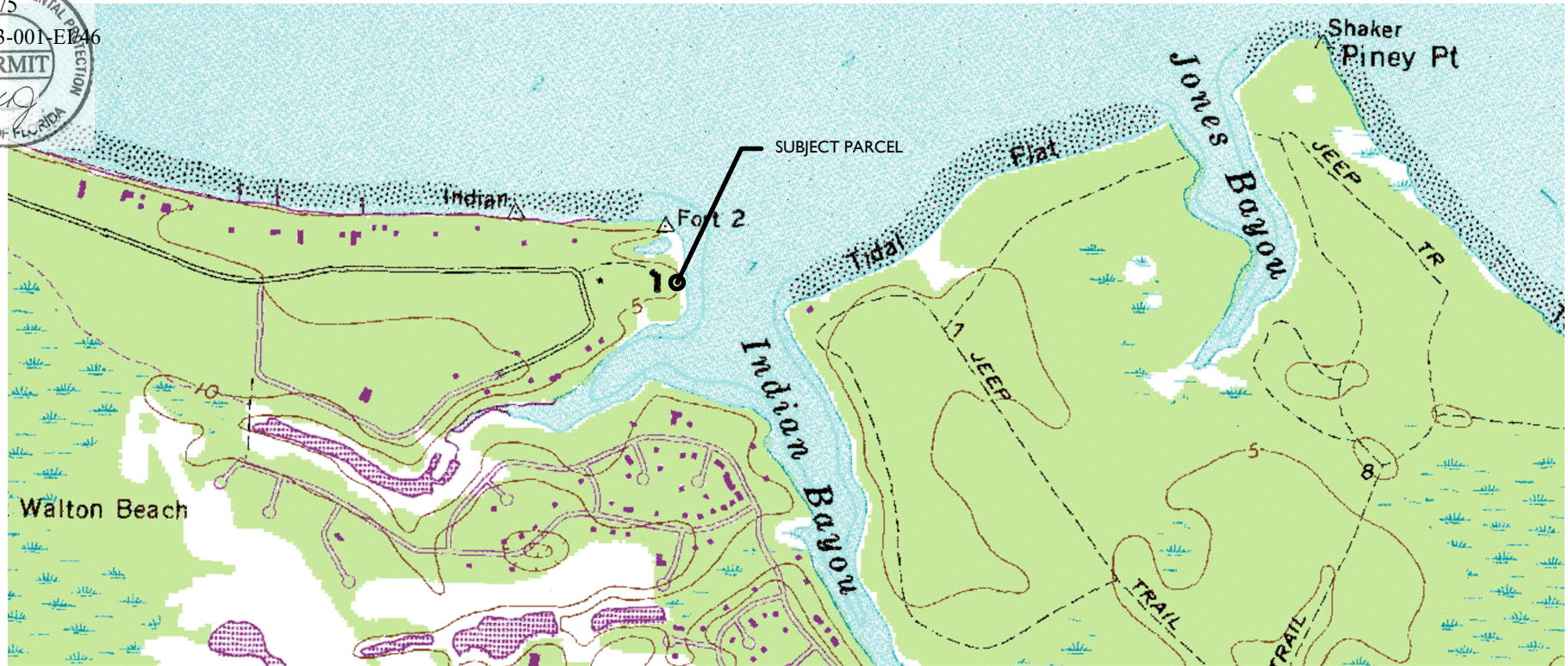
FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

October 8, 2021
Date

PROPERTY INFO

PID: 00-2S-22-4600-0000-0080
 SITUS: 4153 BELOCOURT DRIVE
 DESTIN, FL 32541
 LAT: 30.405668
 LONG: -86.452372

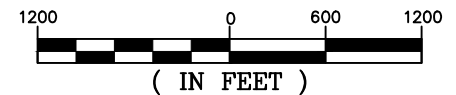
RECORD OWNER

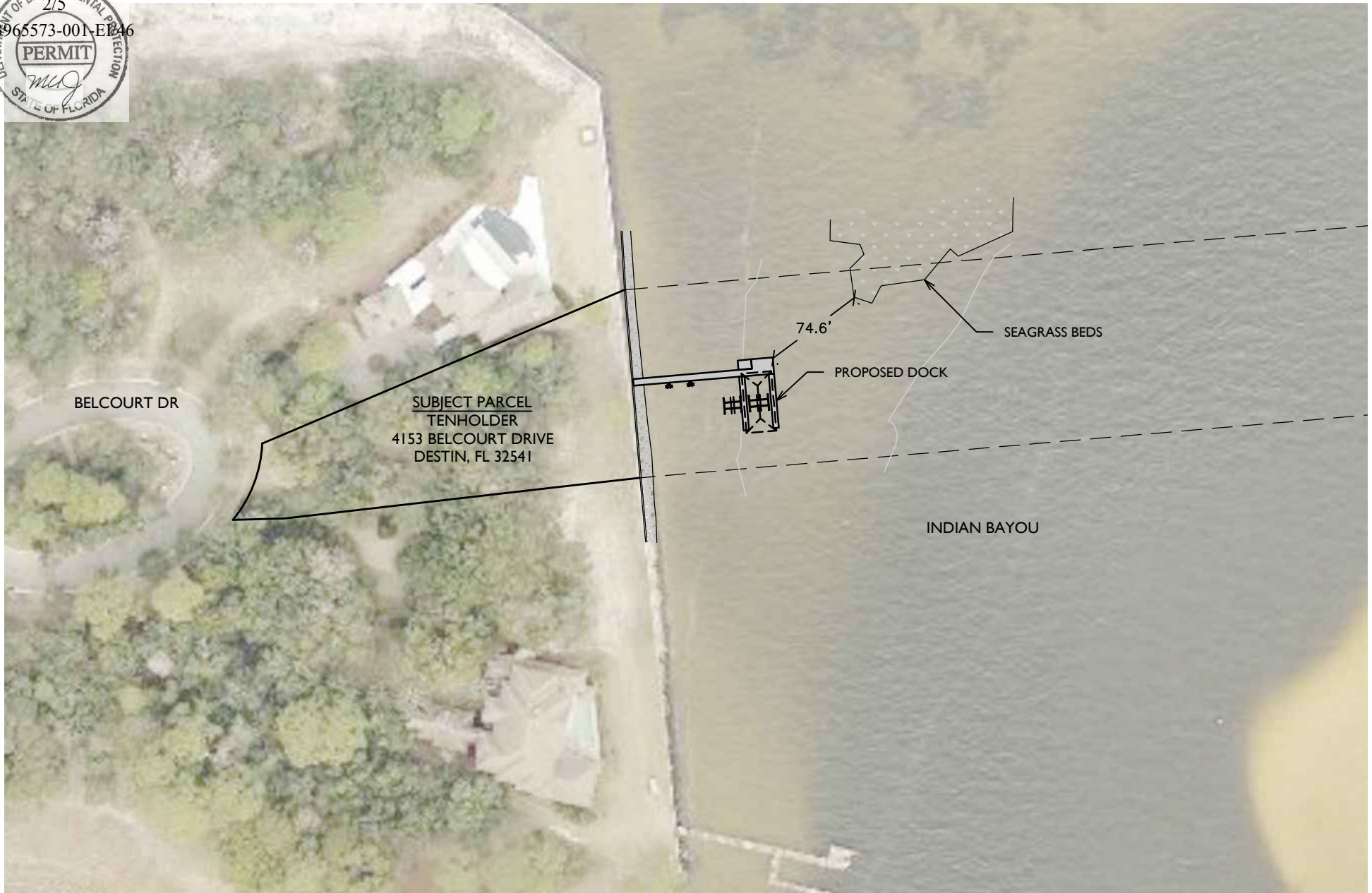
TENHOLDER MARK J & ANJEANETTE
 4507 OLDE PLANTATION PLACE
 DESTIN, FL 32541

INDEX OF SHEETS

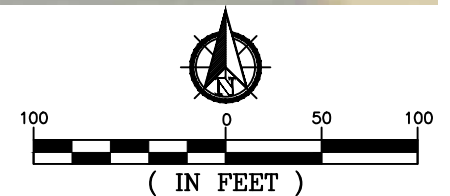
1-SITE LOCATION & SHEET INDEX
 2-PLAN VIEW DEPICTED ONTO AERIAL
 3-PLAN VIEW OVERALL
 4-PLAN VIEW CLOSE-UP
 5-DOCK PROFILE

PROJECT NAME: 4153 BELOCOURT DRIVE, TENHOLDER
SITE LOCATION MAP & SHEET INDEX
PROJECT NO.: 2020-075
DRAWN BY: JAT DATE: 12/4/20
SHEET: 1 OF 5





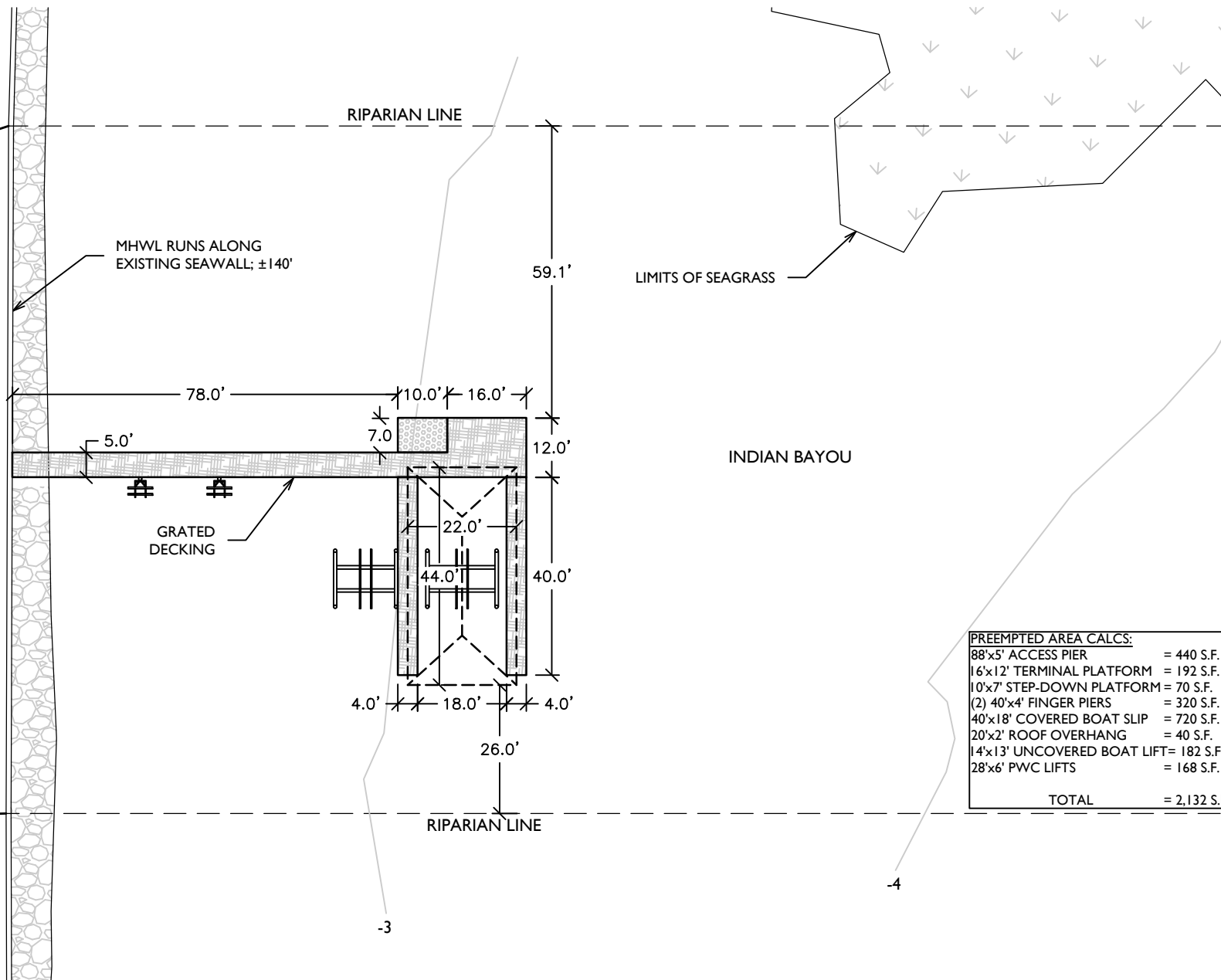
PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 2020-075	
DRAWN BY: JAT	DATE: 12/4/20
SHEET: 2 OF 5	





03965573-001-EP46

SUBJECT PARCEL
TENHOLDER
4153 BELCOURT DRIVE
DESTIN, FL 32541



PREEMPTED AREA CALCS:	
88'x5' ACCESS PIER	= 440 S.F.
16'x12' TERMINAL PLATFORM	= 192 S.F.
10'x7' STEP-DOWN PLATFORM	= 70 S.F.
(2) 40'x4' FINGER PIERS	= 320 S.F.
40'x18' COVERED BOAT SLIP	= 720 S.F.
20'x2' ROOF OVERHANG	= 40 S.F.
14'x13' UNCOVERED BOAT LIFT	= 182 S.F.
28'x6' PVC LIFTS	= 168 S.F.
TOTAL	= 2,132 S.F.

PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER

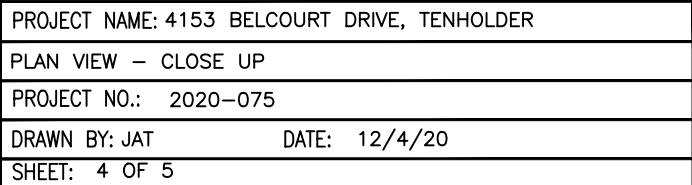
PLAN VIEW OVERALL

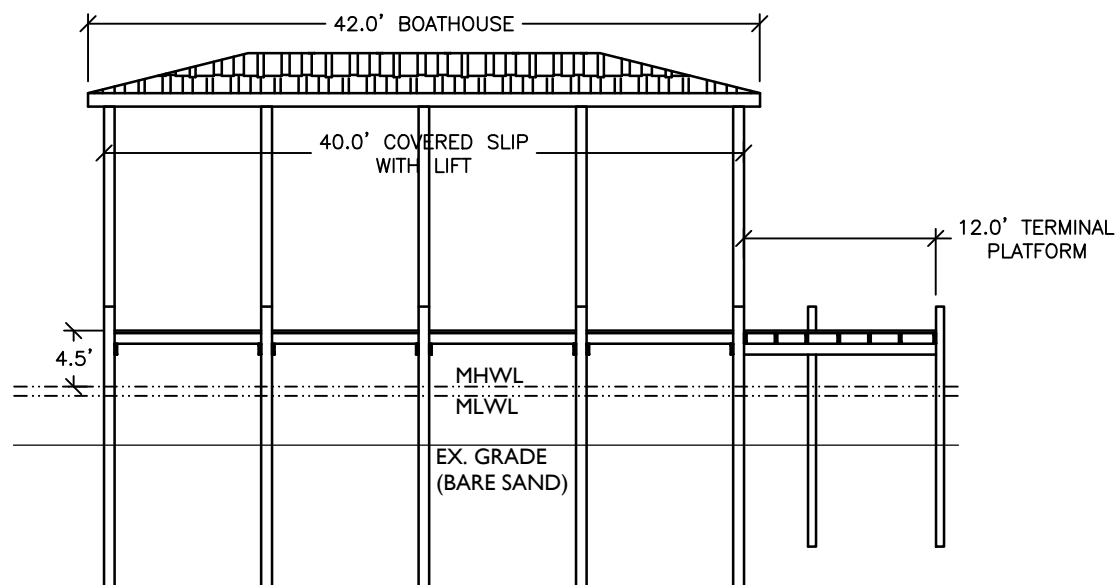
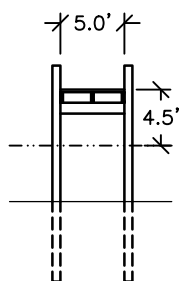
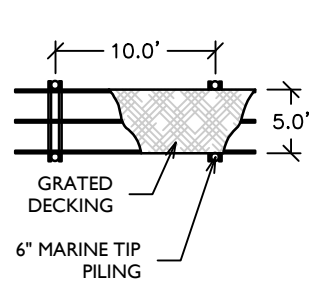
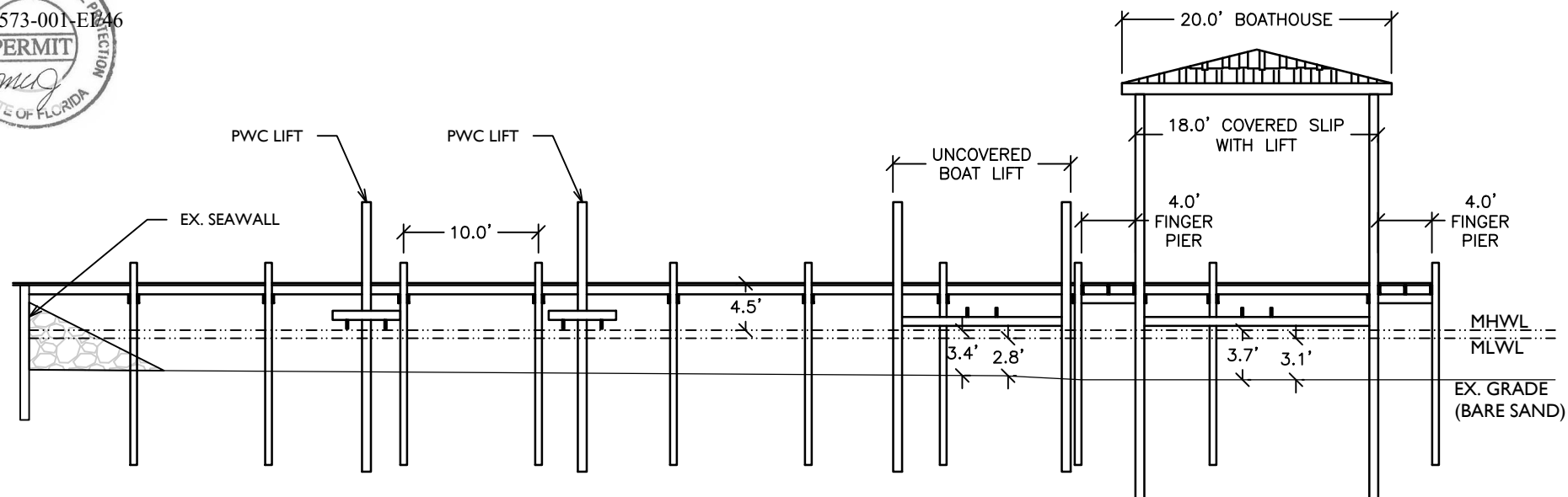
PROJECT NO.: 2020-075

DRAWN BY: JAT DATE: 12/4/20

SHEET: 3 OF 5







PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER

DOCK PROFILE

PROJECT NO.: 2020-075

DRAWN BY: JAT DATE: 12/4/20

SHEET: 5 OF 5





DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

Regulatory Division
North Branch
Pensacola Permits Section
SAJ-2021-00118 (RGP-SWA)

October 5, 2021

Mark Tenholder
4507 Olde Plantation Place
Destin, Florida 32541

Dear Mr. Tenholder:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on December 30, 2020, the file number SAJ-2021-00118. A review of the information and drawings provided indicates that the proposed project is to construct a single-family dock consisting of an 88-foot by 8-foot access pier, a 16-foot by 12-foot terminal platform, a 10-foot by 7-foot stepdown platform, two (2) 40-foot by 4-foot finger piers, a 40-foot by 18-foot covered boatlift, a 14-foot by 13-foot uncovered boatlift and two (2) uncovered personal watercraft (PWC) lifts. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 4153 Belcourt Drive, Latitude: 30.405668°; Longitude: -86.452372°, Destin, Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until March 27, 2023. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407.

The Permittee shall reference this permit number, SAJ-2021-00118 (RGP-SWA), on all submittals.

2. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall complete and submit the attached "*Commencement Notification*" Form.

3. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "*Self-Certification Statement of Compliance*" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "*Self-Certification Statement of Compliance*" form. The description of any deviations on the "*Self-Certification Statement of Compliance*" form does not constitute approval of any deviations by the Corps.

4. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

5. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1 foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

6. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

7. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile Supported and Anchored Buoys: (AP.1-6; AP.7-11; A2.1-9)

8. Manatee Conditions: The Permittee shall comply with the attached “*Standard Manatee Conditions for In-Water Work – 2011*”.

9. Daylight Hours: All activities must be completed during daylight hours.

10. Construction Location: Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

11. Protected Species Guidance: The Permittee shall comply with the attached “*Vessel Strike Avoidance Measures and Injured or Dead Protected Species Reporting*”, for marine turtles and marine mammals.

12. Agency Changes/Approvals: Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee’s responsibility to request a modification of this permit from the Pensacola

Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.

13. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building

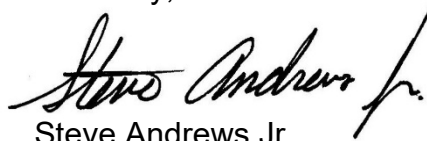
restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

Please note U.S. Coast Guard regulations may require you as permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also, any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP and RGP, please contact Steve Andrews Jr. by telephone at 850-439-0707.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Andrews Jr.", with a stylized flourish at the end.

Steve Andrews Jr.
Project Manager

Enclosures:

General Conditions
Transfer Request
Permit Drawings
Commencement Notification

Self-Certification
JAXBO PDCs for All Projects
JAXBO PDCs for Activity 2
Standard Manatee Conditions
Vessel Strike Avoidance Measures

Copy Furnished:
Oakhurst Environmental

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **dates identified in the letter.**
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2021-00118 (RGP-SWA)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

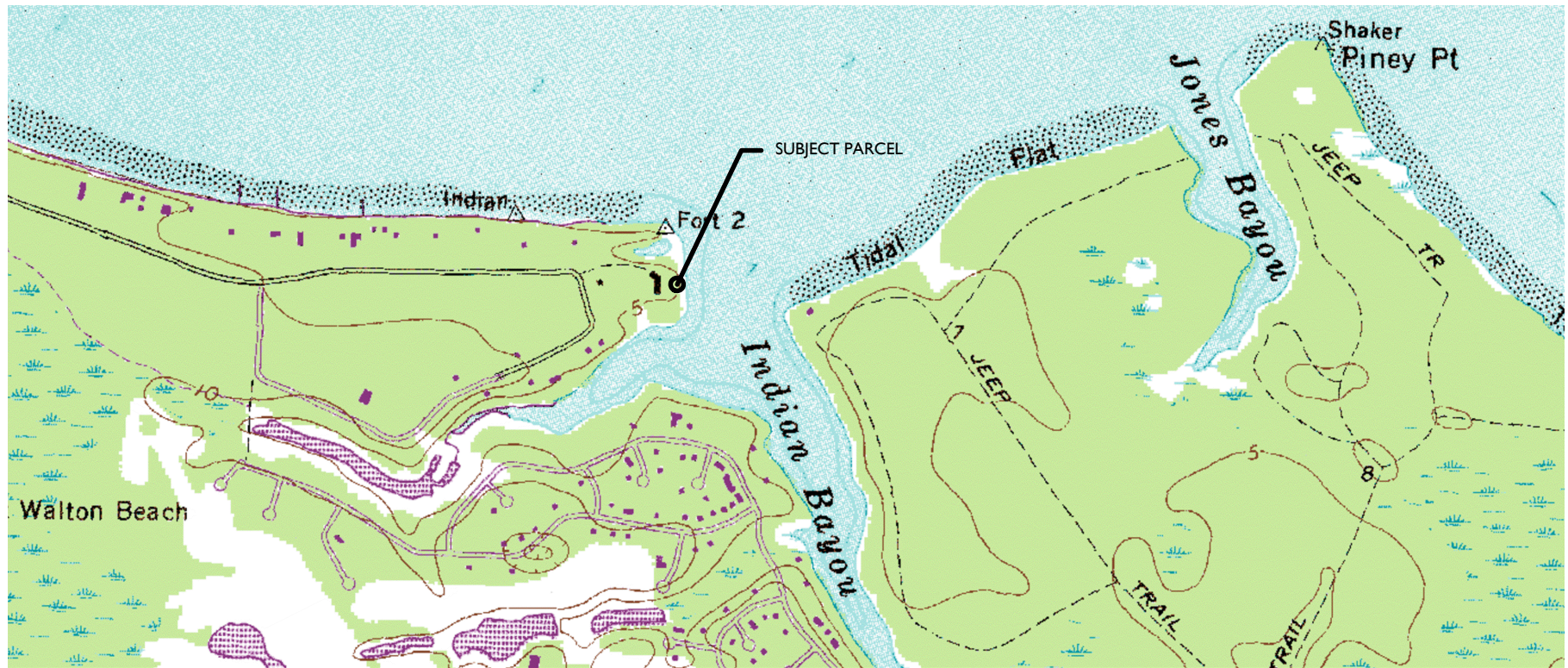
(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

PROPERTY INFO

PID: 00-2S-22-4600-0000-0080
 SITUS: 4153 BELCOURT DRIVE
 DESTIN, FL 32541
 LAT: 30.405668
 LONG: -86.452372

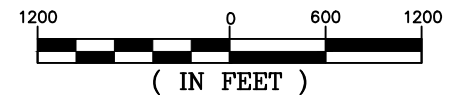
RECORD OWNER

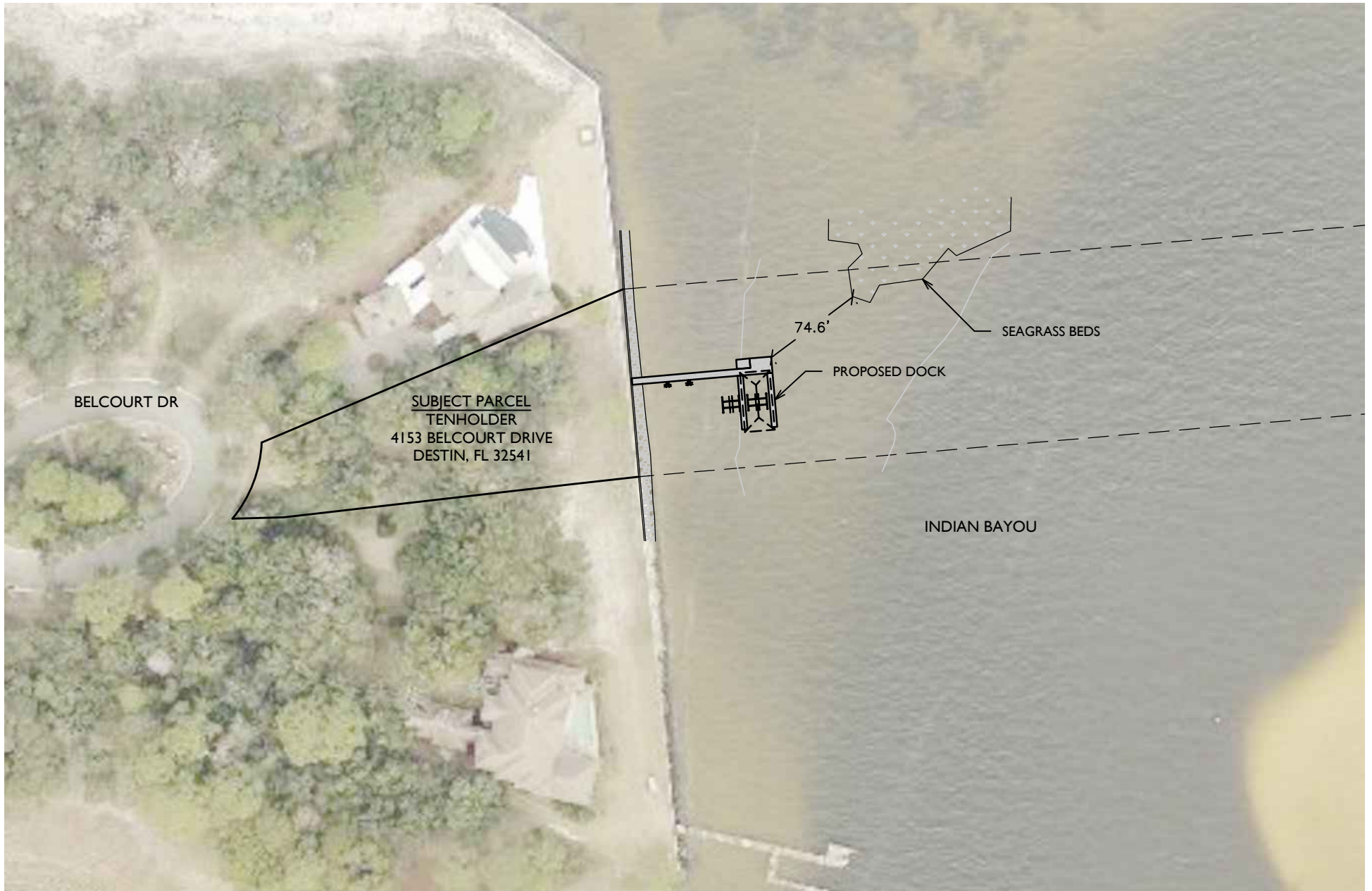
TENHOLDER MARK J & ANJEANETTE
 4507 OLDE PLANTATION PLACE
 DESTIN, FL 32541

INDEX OF SHEETS

1-SITE LOCATION & SHEET INDEX
 2-PLAN VIEW DEPICTED ONTO AERIAL
 3-PLAN VIEW OVERALL
 4-PLAN VIEW CLOSE-UP
 5-DOCK PROFILE

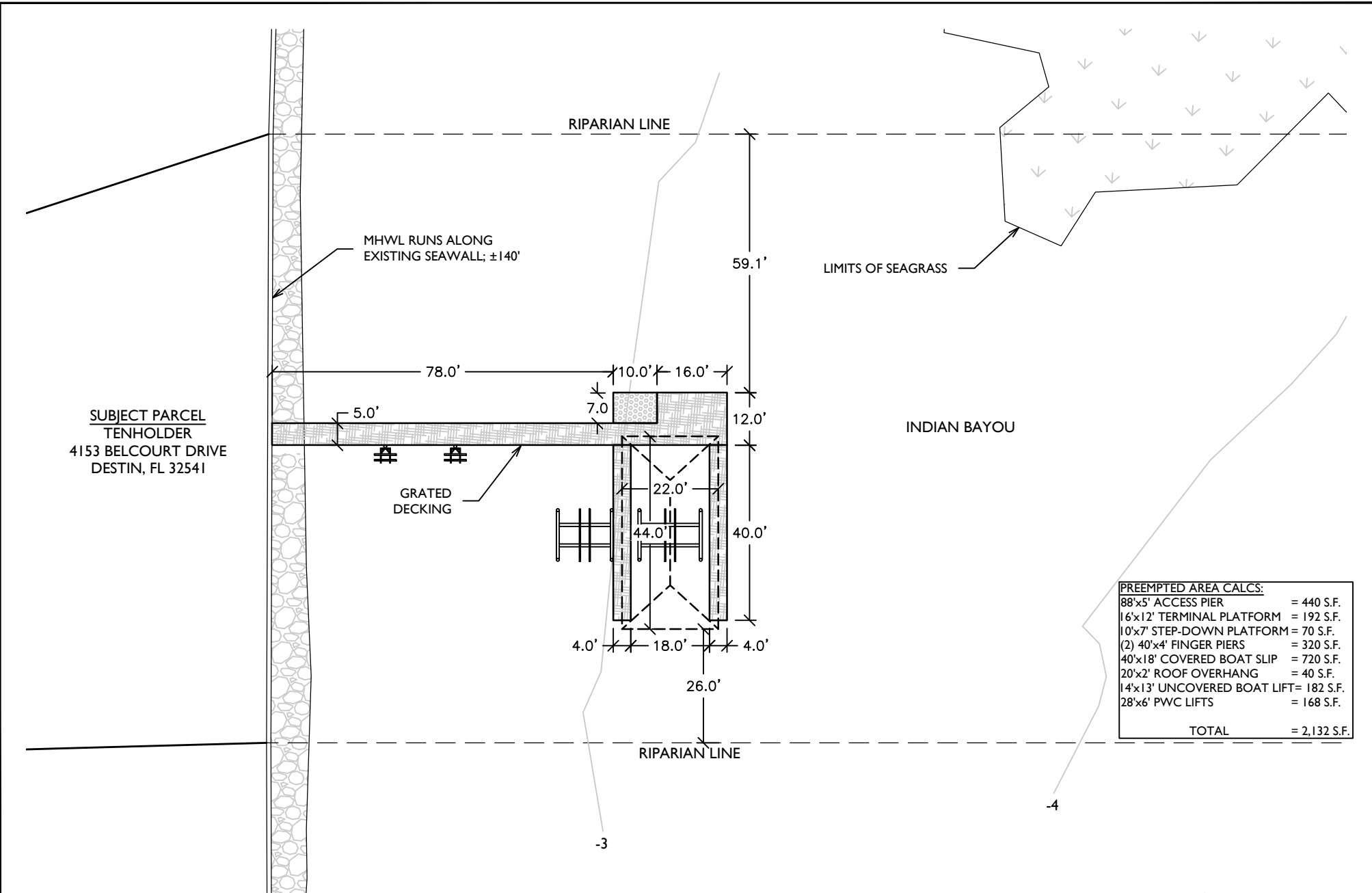
PROJECT NAME: 4153 BELOCOURT DRIVE, TENHOLDER
SITE LOCATION MAP & SHEET INDEX
PROJECT NO.: 2020-075
DRAWN BY: JAT DATE: 12/4/20
SHEET: 1 OF 5



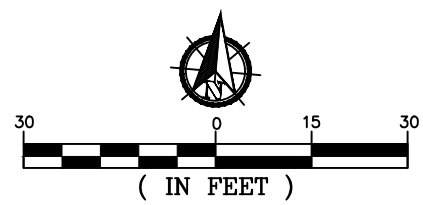


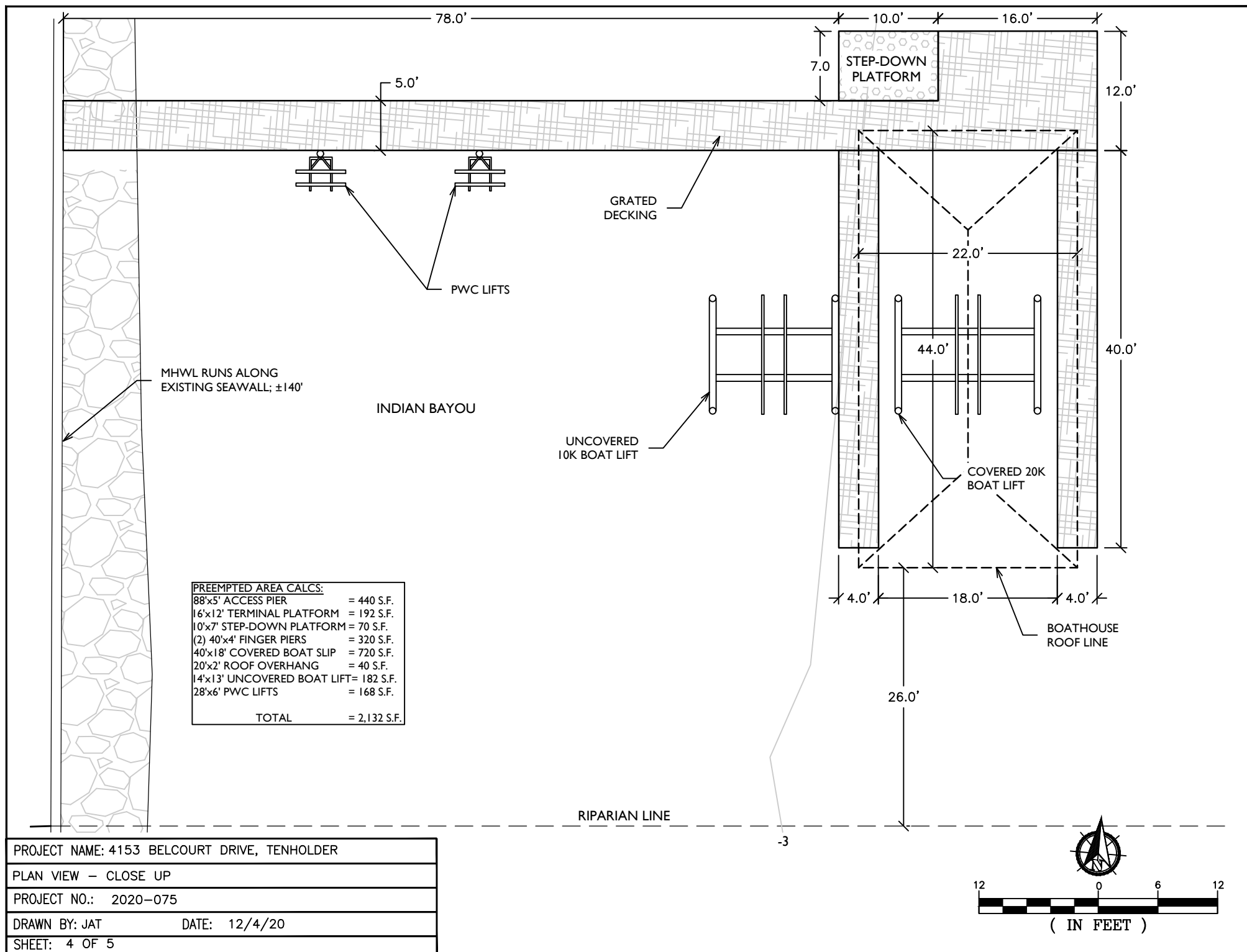
PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 2020-075	
DRAWN BY: JAT	DATE: 12/4/20
SHEET: 2 OF 5	

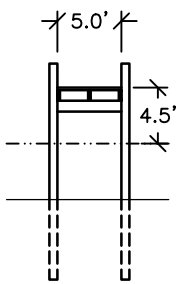
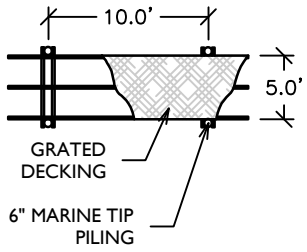
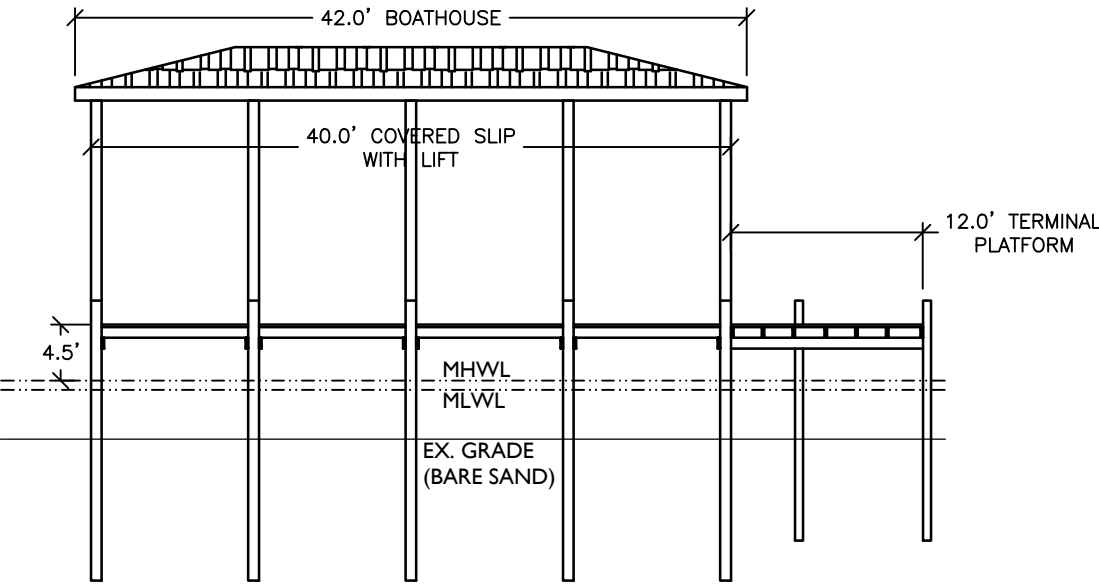
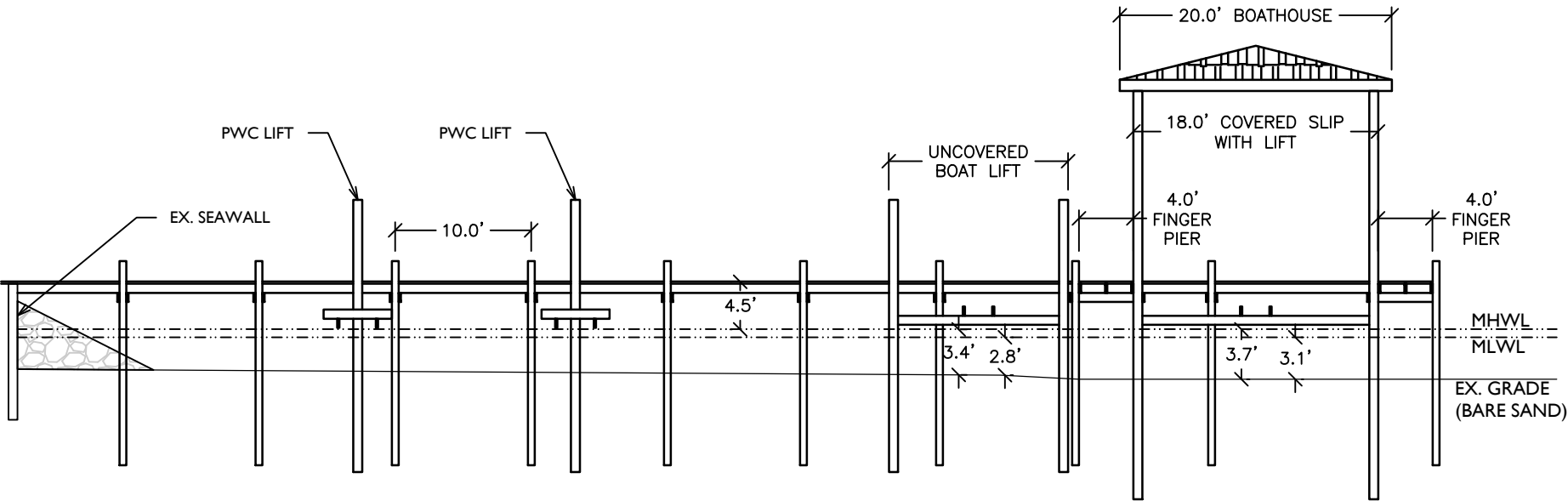




PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER	
PLAN VIEW OVERALL	
PROJECT NO.: 2020-075	
DRAWN BY: JAT	DATE: 12/4/20
SHEET: 3 OF 5	







PROJECT NAME: 4153 BELCOURT DRIVE, TENHOLDER	
DOCK PROFILE	
PROJECT NO.: 2020-075	
DRAWN BY: JAT	DATE: 12/4/20
SHEET: 5 OF 5	



COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2021-00118 (RGP-SWA)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2021-00118 (RGP-SWA)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

6. **Acreage or Square Feet of Impacts to Waters of the United States:** _____

7. **Describe Mitigation completed (if applicable):** _____

8. **Describe any Deviations from Permit (attach drawing(s) depicting the deviations):**

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

Dated 9/18/2019

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion* (see below).

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

A2.3. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

A2.4. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

A2.5. ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

A2.6. Chickees must be less than 500 ft² and support no more than 2 slips.

A2.7. No activities associated with municipal or commercial fishing piers are covered under this Opinion.

A2.8. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>

A2.9. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com



Vessel Strike Avoidance Measures and Reporting for Mariners NOAA Fisheries Service, Southeast Region

Background

The National Marine Fisheries Service (NMFS) has determined that collisions with vessels can injure or kill protected species (e.g., endangered and threatened species, and marine mammals). The following standard measures should be implemented to reduce the risk associated with vessel strikes or disturbance of these protected species to discountable levels. NMFS should be contacted to identify any additional conservation and recovery issues of concern, and to assist in the development of measures that may be necessary.

Protected Species Identification Training

Vessel crews should use an Atlantic and Gulf of Mexico reference guide that helps identify protected species that might be encountered in U.S. waters of the Atlantic Ocean, including the Caribbean Sea, and Gulf of Mexico. Additional training should be provided regarding information and resources available regarding federal laws and regulations for protected species, ship strike information, critical habitat, migratory routes and seasonal abundance, and recent sightings of protected species.

Vessel Strike Avoidance

In order to avoid causing injury or death to marine mammals and sea turtles the following measures should be taken when consistent with safe navigation:

1. Vessel operators and crews shall maintain a vigilant watch for marine mammals and sea turtles to avoid striking sighted protected species.
2. When whales are sighted, maintain a distance of 100 yards or greater between the whale and the vessel.
3. When sea turtles or small cetaceans are sighted, attempt to maintain a distance of 50 yards or greater between the animal and the vessel whenever possible.
4. When small cetaceans are sighted while a vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until the cetacean has left the area.
5. Reduce vessel speed to 10 knots or less when mother/calf pairs, groups, or large assemblages of cetaceans are observed near an underway vessel, when safety permits. A single cetacean at the surface may indicate the presence of submerged animals in the vicinity; therefore, prudent precautionary measures should always be exercised. The vessel shall attempt to route around the animals, maintaining a minimum distance of 100 yards whenever possible.

6. Whales may surface in unpredictable locations or approach slowly moving vessels. When an animal is sighted in the vessel's path or in close proximity to a moving vessel and when safety permits, reduce speed and shift the engine to neutral. Do not engage the engines until the animals are clear of the area.

Additional Requirements for the North Atlantic Right Whale

1. If a sighted whale is believed to be a North Atlantic right whale, federal regulation requires a minimum distance of 500 yards be maintained from the animal (50 CFR 224.103 (c)).
2. Vessels entering North Atlantic right whale critical habitat are required to report into the Mandatory Ship Reporting System.
3. Mariners shall check with various communication media for general information regarding avoiding ship strikes and specific information regarding North Atlantic right whale sighting locations. These include NOAA weather radio, U.S. Coast Guard NAVTEX broadcasts, and Notices to Mariners. Commercial mariners calling on United States ports should view the most recent version of the NOAA/USCG produced training CD entitled "A Prudent Mariner's Guide to Right Whale Protection" (contact the NMFS Southeast Region, Protected Resources Division for more information regarding the CD).
4. Injured, dead, or entangled right whales should be immediately reported to the U.S. Coast Guard via VHF Channel 16.

Injured or Dead Protected Species Reporting

Vessel crews shall report sightings of any injured or dead protected species immediately, regardless of whether the injury or death is caused by your vessel.

Report marine mammals to the Southeast U.S. Stranding Hotline: 877-433-8299

Report sea turtles to the NMFS Southeast Regional Office: 727-824-5312

If the injury or death of a marine mammal was caused by a collision with your vessel, responsible parties shall remain available to assist the respective salvage and stranding network as needed. NMFS' Southeast Regional Office shall be immediately notified of the strike by email (takereport.nmfs@noaa.gov) using the attached vessel strike reporting form.

For additional information, please contact the Protected Resources Division at:

NOAA Fisheries Service
Southeast Regional Office

263 13th Avenue South
St. Petersburg, FL 33701

Tel: (727) 824-5312

Visit us on the web at <http://sero.nmfs.noaa.gov>

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.C.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 6, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 516 Osceola Drive
(Parcel ID 00-2S-24-2186-000F-0540)

I. BACKGROUND: ECM, on behalf of Landon Banks has submitted an application for Harbor and Waterways Board review of a residential seawall construction totaling 133.3', of which, 54.3' is along the property line. A 5' wide wooden walkway, along with the associated pilings, is also proposed along the seawall.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for the proposed marine construction project located at 516 Osceola Drive, located within Destin Harbor.

The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, including the following subsections:

- **11.01.06.B.3.a** – *Construction of private seawalls*
- **11.05.01.A & 11.05.01.G** – *Construction of new pilings and piling addition*
- **11.05.01.T** – *Riparian rights of others.*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.**

A. Link to Strategic Goals / Objectives:

1. Enhance Quality of Life

2. Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS): There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

The applicant has provided a receipt of permit application submittal to Florida Department of Environmental Protection (FDEP). City staff reviewed the application and determined that the plans comply with City Codes and regulations, including ***Section 11.05.01, Marina Siting***.

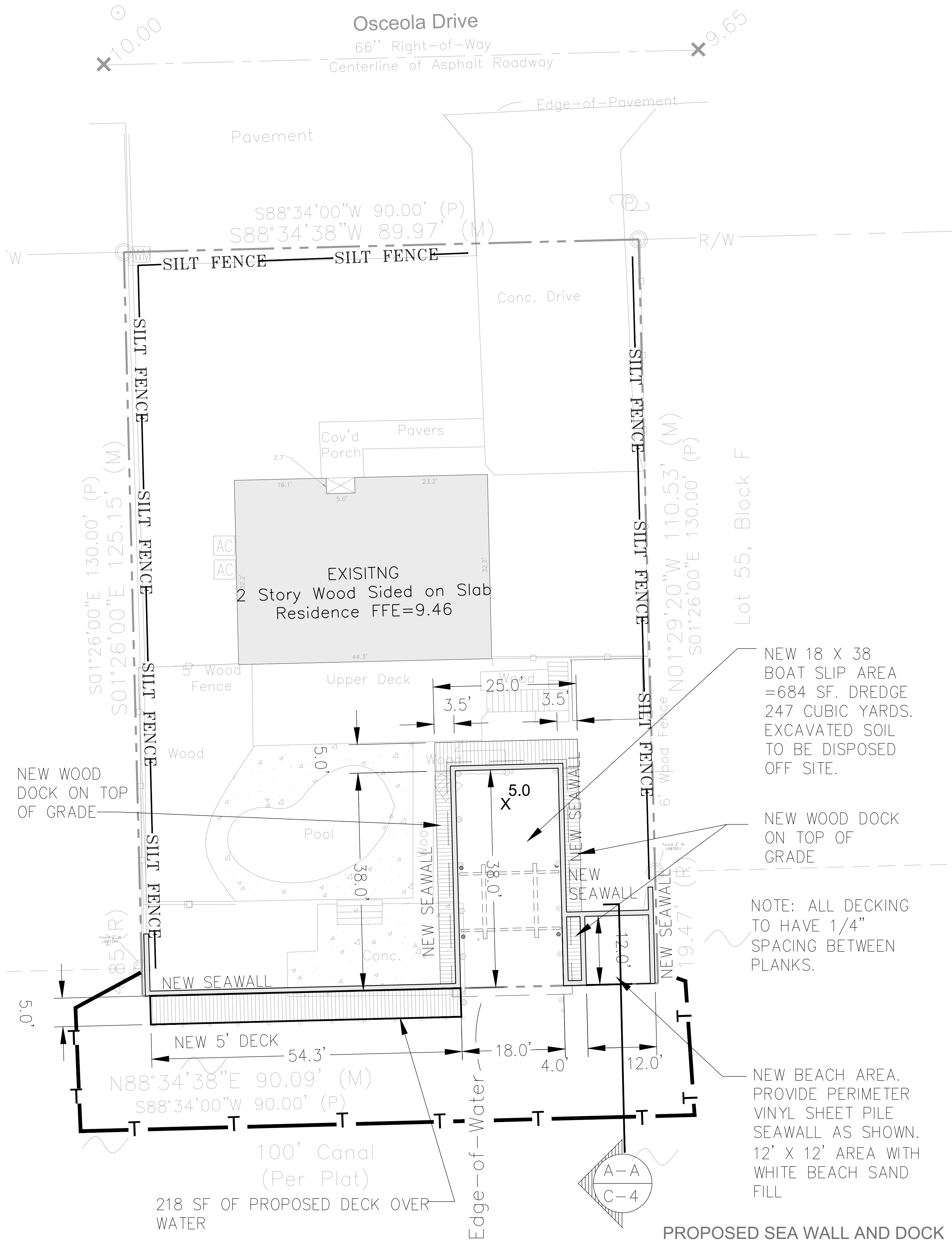
HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on April 25, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 516 Osceola Drive, consisting of a seawall construction, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION:

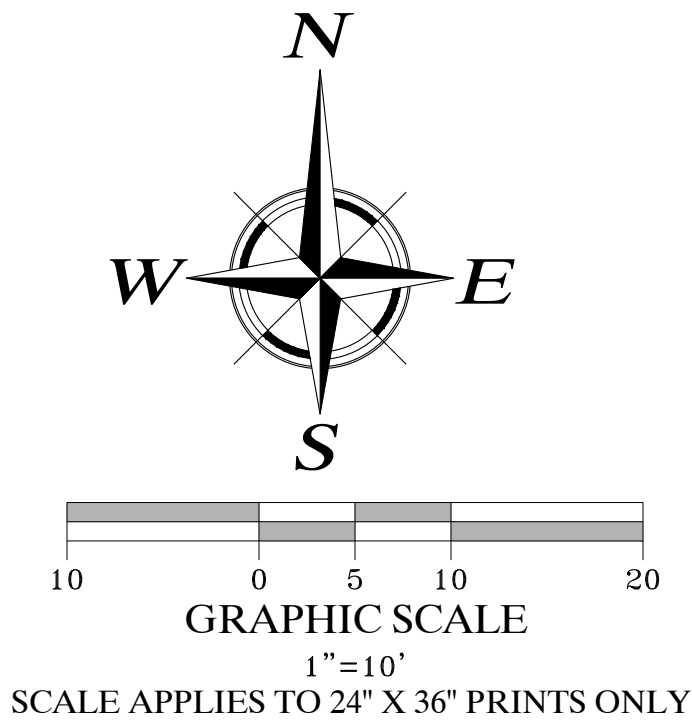
I move that the City Council approve the single-family marine construction project located at 516 Osceola Drive, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. plans-c4 dep wall lrg scale
2. 22-26-HWB_516 Osceola Dr_Abutter
Notice
3. DEP Receipt



CONSTRUCTION LEGEND	
PATTERN/KEY	DESCRIPTION
	PROPOSED VINYL SHEET PILE SEA WALL
	SILT FENCE
	175' LONG FLOATING TURBIDITY BARRIER TYPE III CONFIGURATION



EROSION CONTROL NOTES:

EROSION CONTROL DEVICES, SUCH AS SILT FENCING MUST BE INSTALLED PRIOR TO THE START OF CONSTRUCTION

NO EROSION OR SEDIMENTATION SHALL LEAVE THE SITE.

SILT FENCES SHALL BE PLACED AROUND ALL INLETS AND MANHOLES TO PREVENT THE INTRUSION OF SEDIMENTS.

CONTRACTOR SHALL MAINTAIN EROSION CONTROL DEVICES THROUGHOUT THE DURATION OF SITE WORK CONSTRUCTION.

CONTRACTOR SHALL IMMEDIATELY REPAIR EROSION CONTROL DEVICES SHOULD THEY BECOME DAMAGED.

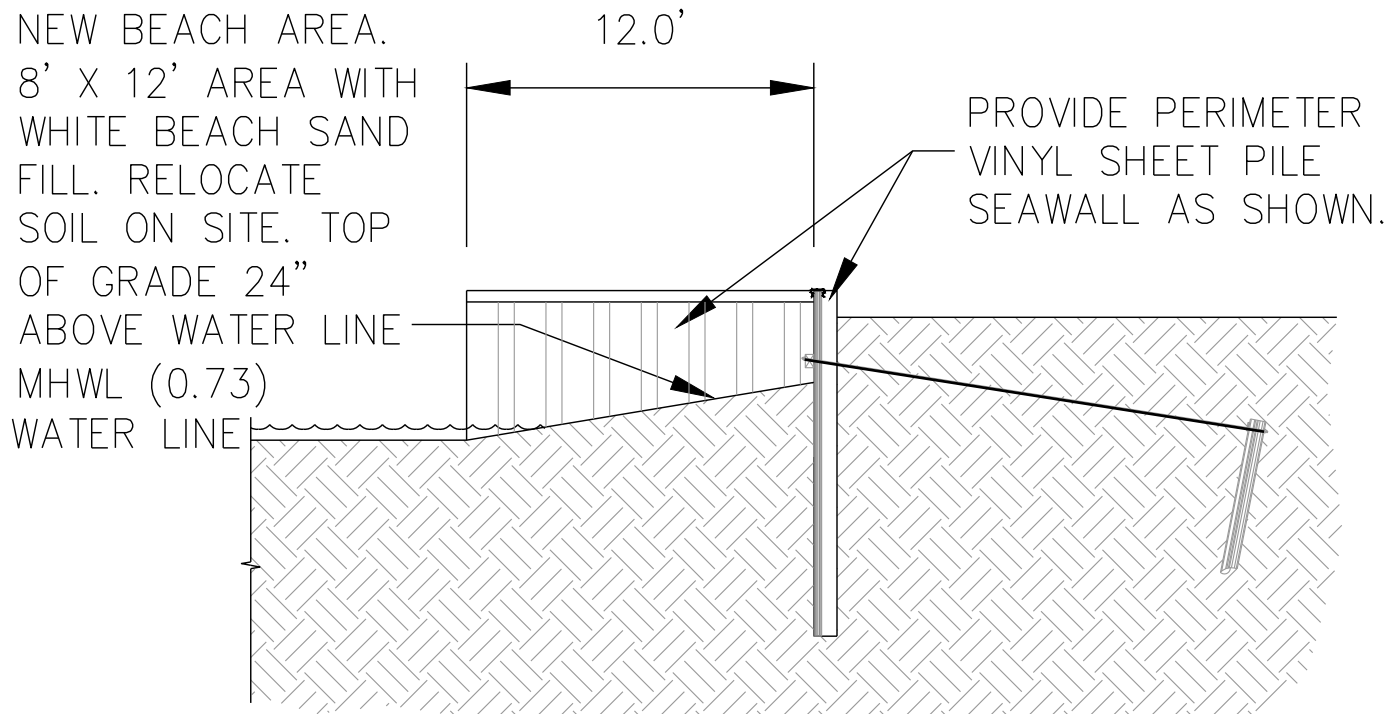
THE STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS.

ALL DISTURBED AREAS ARE TO BE PERMANENTLY SODDED.

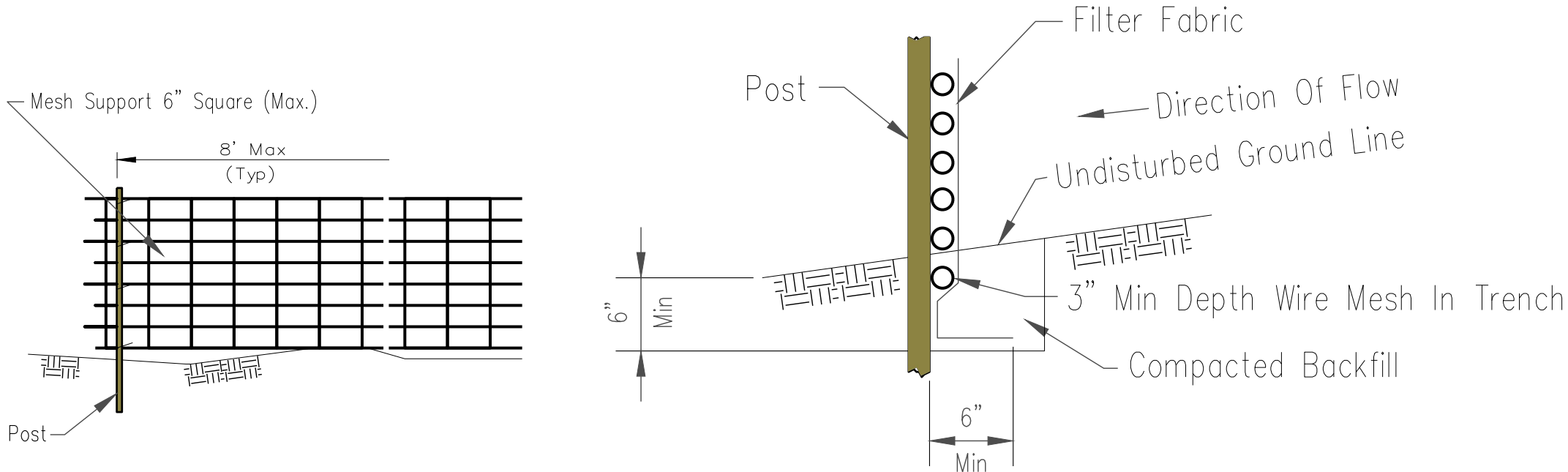
THE STAKES FOR SILT FENCE SHALL BE 1 X 2 INCHES WOOD, OR EQUIVALENT METAL WITH MIN. LENGTH OF 3 FEET.

THE HEIGHT OF SILT FENCE SHALL NOT EXCEED 36 INCHES.

STANDARD-STRENGTH FILTER FABRIC SHALL BE STAPLED OR WIRED TO THE FENCE, AND 8 INCHES OF THE FABRIC SHALL BE EXTENDED INTO THE TRENCH.



A-A BEACH AREA SECTION



SILT FENCE DETAIL

PROPOSED SEA WALL AND DOCK PLAN

ECM

a complete engineering & construction management company

4650 GULF STAR DRIVE
SUITE 200
FORT MYERS, FL 33907
TEL: (888) 887-7654 (NCA)
TEL: (888) 887-7654 (NS)
FAX: (888) 887-7654 (NS)
E-MAIL: info@ecm.com
John H. Edmund, P.E.
Florida Registration: #68849

REVISIONS	DATE	DESCRIPTION

BANKS RESIDENCE

516 OCEOLA DRIVE

DESTIN, FLORIDA 32541

GRADING AND EROSION CONTROL PLAN

DRAWN BY: JWP
CHECKED BY: JWG
JOB NO: D098
ECM: 21-05-122-497
DATE: 12.13.2021

DRAWING NO.

C-1



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

April 11, 2022

Subject: Notification of Application Submittal – Single-Family Residential Seawall and Deck Construction – 516 Osceola Dr

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a seawall. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, April 25, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Landon Banks
2. Name of Agent: John Green
3. Address of Project: 516 Osceola Dr
4. Parcel ID Number: 00-2S-24-2186-000F-0540
5. Project Description: The proposed project includes the construction of a seawall totaling 133.3', of which, 54.3' is along the property line. A 5' wide wooden walkway, along with the associated pilings, is also proposed along the seawall.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File





FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Payment Receipt

Remittance ID:	1499681
Remittance Date:	12/09/2021 03:28:14 PM
Name:	Creative Design Associates
Address:	4639 GULFSTARR DRIVE DESTIN, FL 32541
Payment Type:	FDEP Notice of Intent to Use an ERP General Permit
Amount:	\$750.00

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.D.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 9, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 529 Norriego Road
(Parcel ID 00-2S-24-2186-000F-0030)

I. BACKGROUND: ECM, on behalf of Jim Parker, has applied for Harbor and Waterways Board review of a residential construction application for an 18.9' x 11' covered dock and a 149.4' long seawall along the shoreline.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for a proposed marine construction project located at 529 Norriego Road, located within Destin Harbor.

The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, including the following sections:

- *11.05.01.A – Construction of new pilings.*
- *11.05.01.C – Waste Disposal into the Harbor and Waterways of Destin.*
- *11.05.01.E – Fuel discharge into the Harbor and Waterways of Destin.*
- *11.05.01.F – Length of the pier.*
- *11.05.01.G – Piling(s) addition.*
- *11.05.01.H, 11.05.01.K – Mooring of the vessel.*
- *11.05.01.L – Dock construction as navigational hazard.*
- *11.05.01.N – Slip density.*
- *11.05.01.T – Riparian rights of others.*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Goal 6-1, Coastal Management**

Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

- 1) Enhance Quality of Life
- 2) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB):

There is no anticipated effect on the budget.

C. Level of Service (LOS):

There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

The contractor provided a Florida Department of Environmental Protection (FDEP) Self-Certification for the project. City staff reviewed the application and determined that the plans comply with City Codes and regulations, including *Section 11.05.01, Marina Siting*.

HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on March 28, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 529 Norriego Road, consisting of the covered dock and seawall, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family marine construction project located at 529 Norriego Road, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. 22-12-HWB_529 Norriego
Rd_Abutter Notice
2. DEP Permit Signed Docs & Agent
Affidavit_v1
3. FDEP Submittal Receipt_v1
4. Site Plan_v1



Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

March 15, 2022

Subject: Notification of Application Submittal – Single-Family Residential Dock and Seawall Construction – 529 Norriego Rd

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a new dock and seawall. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, March 28, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Jim Parker
2. Name of Agent: John Green
3. Address of Project: 529 Norriego Rd
4. Parcel ID Number: 00-2S-24-2186-000F-0030
5. Project Description: The project proposes construction of a new dock and seawall.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File



Part 2: Certification

I hereby certify I have read and will conduct the above activities in accordance with the criteria, limitations, and specific conditions of the general permit(s) identified in Part 1 Section A, and in accordance with the general conditions of Rule 62-330.405, and/or 62-331.201, F.A.C., as applicable. Unless otherwise provided in Chapter 62-330, F.A.C., or unless the timeframes in 62-330.402(4), F.A.C. have been waived below, activities conducted pursuant to an ERP general permit may commence thirty (30) days after providing written notice to the Department of Environmental Protection or the Water Management District, along with any required additional documentation which may be required to fulfill the requirements of the general permit, unless the Agency responds that the proposed work does not qualify for a general permit. For State 404 Program general permits that require pre-construction notice under Chapter 62-331, F.A.C., the activity shall not commence until the permittee receives written confirmation of qualification for the general permit from the Agency. If both an ERP and State 404 Program general permit is required for such projects, the activity shall not commence until thirty (30) days after notice is received by the Agency, or until written confirmation of qualification for the State 404 Program general permit is received by the permittee, whichever is later.

I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable state water quality standards or other environmental standards both before construction and after the process is completed.

I further acknowledge that work done under the general permit(s) may also require the review and approval of other federal, state, or local agencies, and that commencement of construction before such federal, state, or local agency approvals or permits are obtained may subject me to enforcement action and fines or penalties by such agencies. Further, the work shall be conducted in a manner that does not violate applicable water quality standards.



By checking this box, I hereby voluntarily waive, in accordance with subsection 62-330.402(7), F.A.C., the 30-day or 60-day deadline in subsection 62-330.402(4), F.A.C., in the event my project also requires a State 404 Program authorization (other than an exemption) under Chapter 62-331, F.A.C., and request that the agency actions for the ERP general permit and State 404 Program be issued at the same time. (This is strongly recommended to ensure consistency, and to reduce the potential need for project modifications to resolve inconsistencies that may occur when the agency actions for the ERP and State 404 Program are issued at different times). If this box is checked and the Agency(ies) determines that no State 404 Program authorization is required, the Agency(ies) will continue to abide by subsection 62-330.402(4), F.A.C.

John W. Green

Typed/Printed Name of Applicant or Agent

Signature of Applicant or Agent

Date

An Agent May Sign Above If Applicant Completes the Following:

I hereby designate and authorize the agent listed in Item Part 1 Section C to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

Jim Parker

Typed/Printed Name of Applicant
(And corporate title, if applicable)

Signature of Applicant

Date

8-31-21

Certification of Sufficient Real Property Interest and Authorization for Staff to Access the Property:

I certify that:

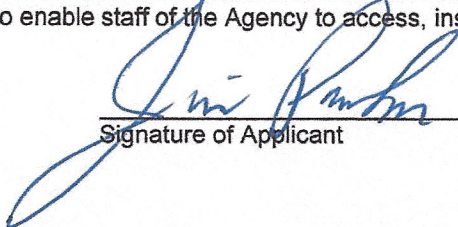
☒ **I possess sufficient real property interest in or control, as defined in Section 4.2.3(d) of Applicant's Handbook Volume I, over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, I agree to provide entry to the project site for such agents or personnel to monitor and inspect permitted work if a permit is granted.**

OR

☐ **I represent an entity having the power of eminent domain and condemnation authority, and I/we shall make appropriate arrangements to enable staff of the Agency to access, inspect, and sample the property as described above.**

Jim Parker

Typed/Printed Name of Applicant
(And corporate title, if applicable)


Signature of Applicant

Date

8-31-21

Part 3: Submittal

In addition to the information described in this form, any Notice of Intent to use a General Permit must also include the following, as described in Section 4.2.2 of the Applicant's Handbook, Volume I:

- Location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity.
- One set of plans and drawings, calculations, environmental information, and other supporting documents that clearly and legibly depict and describe the proposed activities in sufficient detail to demonstrate that the work qualifies for the specified General Permit(s).
- The required fee made payable to the appropriate agency.

Fees for the appropriate agency are established in the rules adopted in subsection 62-330.071(1), F.A.C., as listed below:

Rule 62-4.050, F.A.C. (Department of Environmental Protection or the Northwest Florida Water Management District)

Rule 40B-1.706, F.A.C. (Suwannee River Water Management District)

Rule 40C-1.603, F.A.C. (St. Johns River Water Management District)

Rule 40D-1.607, F.A.C. (Southwest Florida Water Management District)

Rule 40E-1.607, F.A.C. (South Florida Water Management District)

Operating Agreements between the Department and the water management districts specify which agency will process any given application. For copies of the operating agreements, go to <https://floridadep.gov/ogc/ogc/content/operating-agreements>

This application form may be submitted online; to do so, follow the on-line submittal requirements of the agency:

- o **Florida Department of Environmental Protection:** <http://www.fldeportal.com/go/>
- o **Northwest Florida Water Management District:**
<https://permitting.sjrwmd.com/nwep/permitting/jsp/start.jsp>
- o **Suwannee River Water Management District:**
<https://permitting.sjrwmd.com/sre/permitting/jsp/start.jsp>

- o **St. Johns River Water Management District:**
<https://permitting.sjrwmd.com/epermitting/jsp/AccountOverview.do?command=init>
- o **Southwest Florida Water Management District:**
<http://www.swfwmd.state.fl.us/permits/epermitting/>
- o **South Florida Water Management District:** <http://my.sfwmd.gov/ePermitting/MainPage.do>

If submitting a paper application, please see Appendix A of Applicant's Handbook, Volume I for submittal locations.

B. Certification of Sufficient Real Property Interest And Authorization For Staff To Access The Property:

I certify that:

☒ **I possess sufficient real property interest in or control, as defined in Section 4.2.3 (d) of Applicant's Handbook Volume I**, over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application, upon advance notice. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, if a permit is granted, upon advance notice, I agree to provide entry to the project site for such agents or personnel with proper identification to determine compliance with permit conditions and permitted plans and specifications.

OR

☐ I represent an entity having **the power of eminent domain and condemnation authority**, and I/we shall make appropriate arrangements to enable staff of the Agency to legally access, inspect, and sample the property as described above.

Jim Parker

Typed/Printed Name

Signature

Date 8-31-21

(Corporate Title if applicable)

C. Designation of Authorized Agent (If Applicable):

I hereby designate and authorize **John H. Elamad or John W. Green** to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S., and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant

Signature of Applicant

Date 8-31-21

(Corporate Title if applicable)

AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY

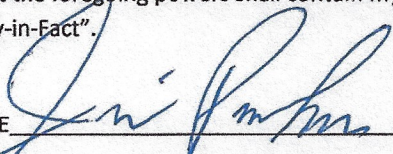
STATE OF FLORIDA COUNTY OF OKALOOSA

KNOW ALL MEN BY THESE PRESENTS, that I/We **JIM PARKER** is/are presently the owner and/or leaseholder of Parcel Id#**00-2S-24-2186-000F-0030**, in **OKALOOSA** County, State of **FLORIDA**, and desiring to execute a "Special Power of Attorney", have made, constituted, and appointed, by these presents do make, constitute and appoint John H. Elamad and/or John W. Green of **ECM, Engineering and Construction Management**, whose address is 4639 Gulf Starr Drive, in the County of Okaloosa, State of Florida, Telephone number 850-837-7454, and my "Attorney-in-Fact", to act as follows;

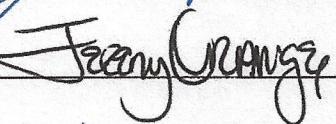
Giving and granting unto said "Attorney-in-Fact", full power to act as my Agent in any and all matters pertaining to the performance of all necessary functions and actions to address all environmental, planning, and engineering concerns, and Federal Emergency Management Agency, obtain any and all required permits that may be necessary from any Local, State and/or Federal agencies, for the above property in my name. Further to sign for all Development Orders concerning the property of the project.

Further, I do authorize the aforesaid "Attorney-in-Fact", to perform all necessary acts, deeds, and communications in execution of the aforesaid authorization with the same validity as I could affect if personally present. Any act, deed, communication, or thing lawfully done by the said "Attorney-in Fact", shall be binding on me and my heirs, legal and personal representatives, and assigns.

Provided, however, that any and all transactions conducted hereunder for me, or my account shall be transacted in my name, and that all endorsements and instruments executed by the said "Attorney-in-Fact", for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said Attorney and the designation "Attorney-in-Fact".

SIGNATURE 

PRINTED NAME JIM PARKER

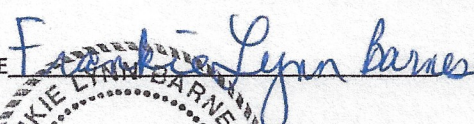
WITNESS 

PRINTED NAME Jeremy Orange

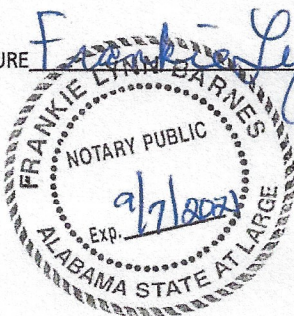
STATE OF Alabama COUNTY OF Lee

BEFORE ME, the undersigned Notary Public in and for said County and State, appeared Jim Parker, who is personally known to me, or who produced a Driver's License, as identification, and who did take an oath, and who is known to me to be the individual described by the said name who executed the foregoing instrument, and acknowledged and declared that the said individual executed the same for uses and purposes therein set forth.

Given under my hand and official seal this 31st day of August 2021.

SIGNATURE 

PRINTED NAME Frankie Lynn Barnes





FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

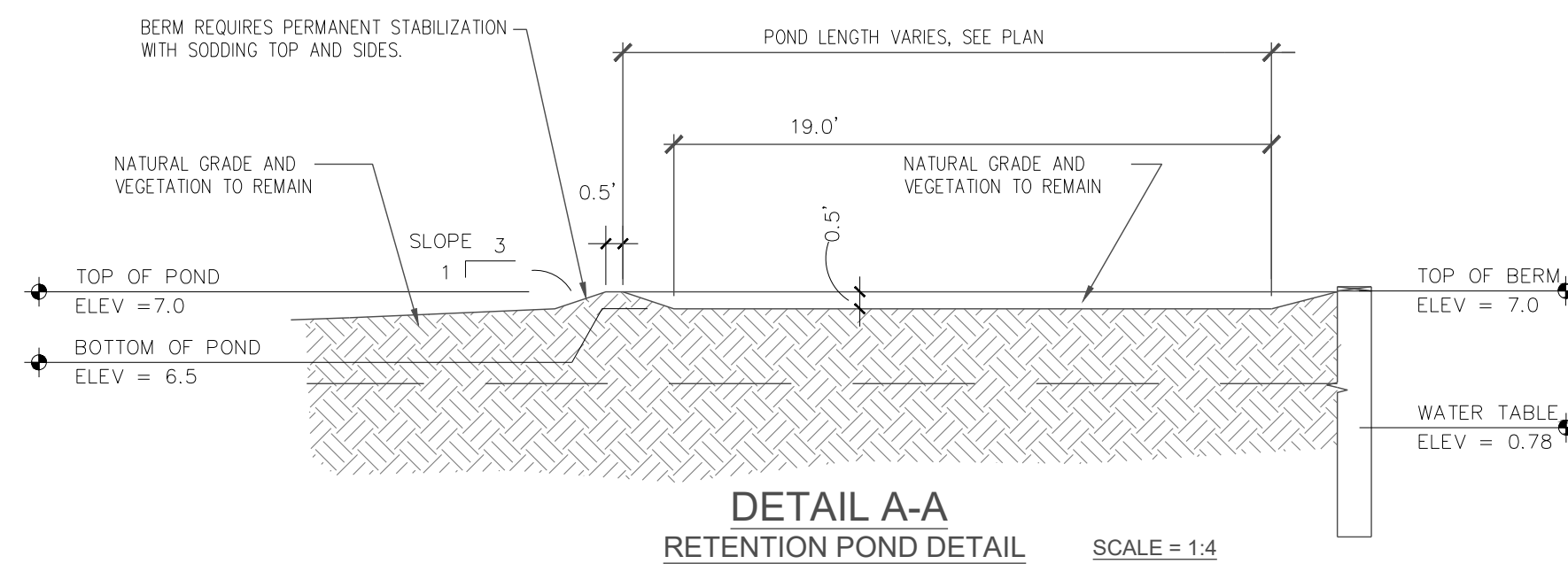
Shawn Hamilton
Secretary

Payment Receipt

Remittance ID:	1479452
Remittance Date:	09/22/2021 01:26:29 PM
Name:	ECM-Civil John W. Green
Address:	4639 Gulfstarr Drive Destin, FL 32541
Payment Type:	FDEP Notice of Intent to Use an ERP General Permit
Amount:	\$775.29

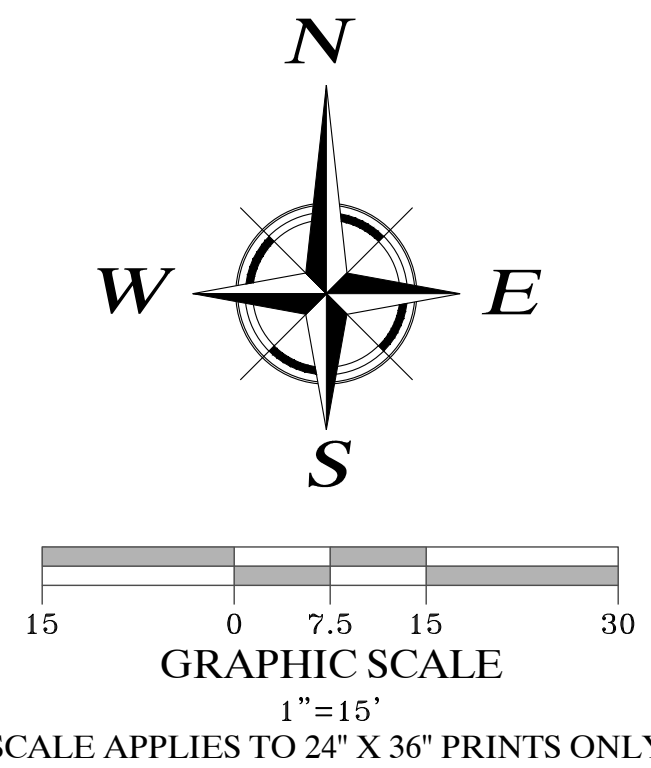
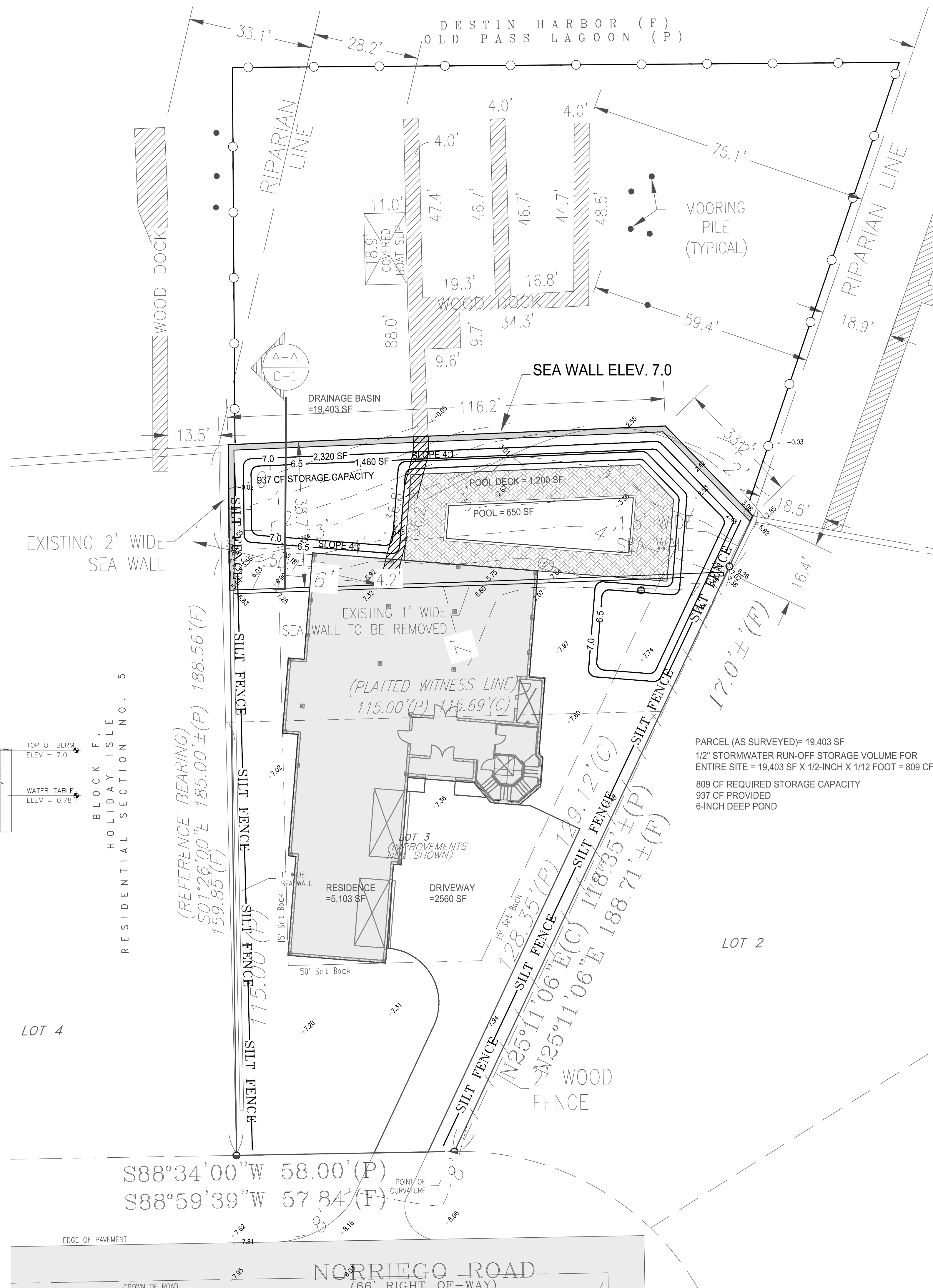
1. PRIOR TO COMMENCING CONSTRUCTION IN THE CITY, COUNTY OR STATE RIGHT-OF-WAY, THE CONTRACTOR SHALL LOCATE ALL UTILITIES. THE UTILITY LOCATIONS SHOWN ON THE PLANS ARE APPROXIMATE AND MUST BE FIELD VERIFIED PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL COMPLY WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS. THE CONTRACTOR SHALL MAINTAIN SEDIMENT CONTROL DEVICES AS NECESSARY TO PREVENT SEDIMENT FROM LEAVING THE SITE AND SHALL COMPLY WITH ALL PROVISIONS OF THE PERMITS FOR THIS PROJECT.
3. WATER AND SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL JURISDICTIONAL UTILITIES SPECIFICATIONS AND DETAILS.
4. BAILED HAY BARRIERS AND SILT FENCES SHALL BE INSTALLED AT ALL INLETS AND MANHOLES IN ACCORDANCE WITH F.D.O.T. INDEX 102 AND SHALL BE MAINTAINED BY THE CONTRACTOR UNTIL ALL ADJACENT AREAS ARE STABILIZED.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGES MADE TO EXISTING UTILITIES OR STRUCTURES AND SHALL PAY FOR OR REPAIR ANY DAMAGES MADE TO EXISTING UTILITIES OR STRUCTURES.
6. MINIMUM COMPACTION FOR FILL SECTIONS SHALL BE 95% MODIFIED PROCTOR. IF REQUIRED, BORROW MATERIAL IS TO BE PROVIDED BY THE CONTRACTOR AND SHALL HAVE A MINIMUM LBR VALUE OF 30.
7. SOIL COMPACTION, ASPHALT AND BASE IN PLACE TESTING WILL BE PERFORMED BY AN F.D.O.T. CERTIFIED TESTING LAB AT THE EXPENSE OF THE CONTRACTOR.
8. CONTRACTOR SHALL GRADE ALL AREAS AS INDICATED ON THE PLANS.
9. PROPOSED GRADES INDICATED ON THIS PLAN ARE TO BE FINISH GRADE. THE CONTRACTOR SHALL MAKE SUBGRADE ADJUSTMENTS FOR TOPSOIL PAVING BUILDING PAD ETC.
10. NO OFFSITE OR IN ANY RIGHT-OF-WAY WORK WITHOUT PROPER APPROVALS.
11. ALL GRADING ADJACENT TO EXISTING OR PROPOSED BUILDING SHALL BE SLOPED AWAY FROM THE STRUCTURES. THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE AWAY FROM THE STRUCTURES. NOTIFY THE ENGINEER OF RECORD OF ANY DISCREPANCIES.
12. ALL DISTURBED AREAS NOT CALLED OUT TO BE SODDED ARE TO BE SEEDED AND MULCHED. (SEE LANDSCAPE PLAN).
13. SOIL STABILIZATION (I. E. SOD) REQUIRED FOR SLOPES THAT ARE 3(H):(1)V OR GREATER.
14. EROSION AND SEDIMENTATION FACILITIES SHALL RECEIVE REGULAR MAINTENANCE TO ENSURE THEY CONTINUE TO FUNCTION PROPERLY.
15. UNLOADING, LOADING, PARKING OR STORING CONSTRUCTION EQUIPMENT OR VEHICLES WITHIN STREET RIGHT OF WAY IS PROHIBITED. ADEQUATE PROVISIONS FOR SUCH ACTIVITIES SHALL BE MADE ON THE PROJECT PROPERTY.
16. REPAIR THE RIGHT-OF-WAY TO ORIGINAL OR BETTER CONDITION.

RESIDENTIAL NOTES



Civil notes:

1. Remove all topsoil and any other deleterious non-soil materials in the proposed construction limits.
2. Provide clean sand fill with less than 12 percent fines (material passing the No. 200 sieve), and free of non-soil materials and rock fragments larger than 3 inches in diameter.
3. Compacted soil to a minimum density of at least 95 percent of the maximum dry density as determined by the Modified Proctor test (ASTM D-1557).
4. Compact soils in maximum of 12" lifts
5. Vibratory compaction operations should not be performed within a clear distance of 50 feet from any adjacent structures.
6. Best Management Practices (BMP): Maintain general good housekeeping practices, pollution prevention practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. Also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
7. Maintenance of system. The continued maintenance of the stormwater management system for all projects shall be the responsibility of the property Owner.



LINETYPE SCHEDULE	
LINE	DESCRIPTION
	SILT FENCE, SEE DETAIL NOTE: SILT FENCE IS REQUIRED AT CONSTRUCTION PERIMETER

EROSION CONTROL NOTES:

EROSION CONTROL DEVICES, SUCH AS SILT FENCING MUST BE INSTALLED PRIOR TO THE START OF CONSTRUCTION

NO EROSION OR SEDIMENTATION SHALL LEAVE THE SITE.

SILT FENCES SHALL BE PLACED AROUND ALL INLETS AND MANHOLES TO PREVENT THE INTRUSION OF SEDIMENTS.

CONTRACTOR SHALL MAINTAIN EROSION CONTROL DEVICES THROUGHOUT THE DURATION OF SITE WORK CONSTRUCTION.

CONTRACTOR SHALL IMMEDIATELY REPAIR EROSION CONTROL DEVICES SHOULD THEY BECOME DAMAGED.

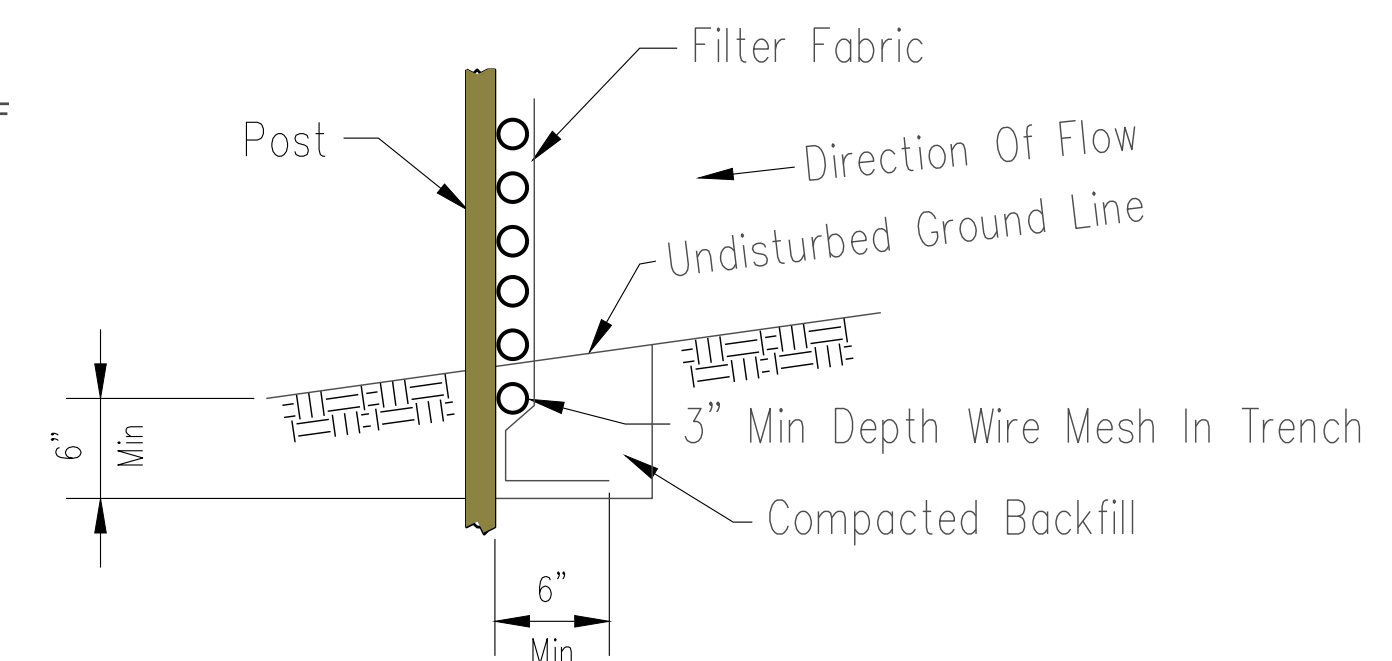
THE STORMWATER MANAGEMENT FACILITIES SHALL BE MAINTAINED IN PERPETUITY BY THE HOMEOWNERS.

ALL DISTURBED AREAS ARE TO BE PERMANENTLY SODDED.

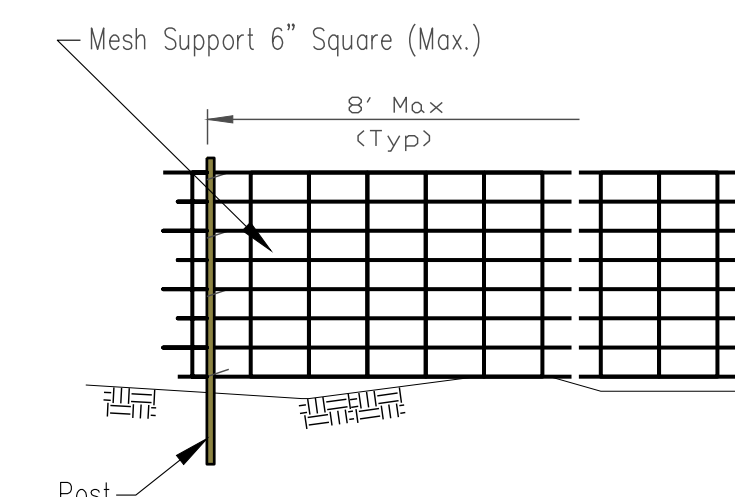
THE STAKES FOR SILT FENCE SHALL BE 1 X 2 INCHES WOOD, OR EQUIVALENT METAL WITH MIN. LENGTH OF 3 FEET.

THE HEIGHT OF SILT FENCE SHALL NOT EXCEED 36 INCHES.

STANDARD-STRENGTH FILTER FABRIC SHALL BE STAPLED OR NAIL TO THE FENCE, AND 8 INCHES OF THE FABRIC SHALL BE EXTENDED INTO THE TRENCH.



SILT FENCE DETAIL



ECM
a complete engineering &
construction management company

4839 GULF STARR DRIVE
DUSTIN, FLORIDA 32459
E-mail: jeandad@gmail.com
John H. Elandad, P.E.
TELEPHONE: (850) 827-7454 (ENGR.)
TELEPHONE: (850) 827-7456 (INSP.)
FAX: (850) 654-2000
Florida Registration: #6884,0

[illegible]

HOLIDAY ISLE LOT 3 BLK F
PARCEL I.D. # 00-2S-24-2186-000F-0030
Jim Parker Family Prop LLC
529 NORRIEGO RD
DESTIN, FLORIDA 32541

SITE PLAN

DRAWN BY: JWP
CHECKED BY: JWG
JOB NO: D106
ECM: 21-07-122.536
DATE: 12 05 2021

DRAWING NO.

C-1

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.E.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 9, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 621 Calhoun Ave
(PARCEL ID: 00-2S-22-0630-0000-20A2)

I. BACKGROUND: ECM, on behalf of Jim Parker, has applied for Harbor and Waterways Board review of a residential construction application for an 18.9' x 11' covered dock and a 149.4' long seawall along the shoreline.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for a proposed marine construction project located at 529 Norriego Road, located within Destin Harbor.

The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, including the following sections:

- **11.05.01.A** – Construction of new pilings.
- **11.05.01.C** – Waste Disposal into the Harbor and Waterways of Destin.
- **11.05.01.E** – Fuel discharge into the Harbor and Waterways of Destin.
- **11.05.01.F** – Length of the pier.
- **11.05.01.G** – Piling(s) addition.
- **11.05.01.H, 11.05.01.K** – Mooring of the vessel.
- **11.05.01.L** – Dock construction as navigational hazard.
- **11.05.01.N** – Slip density.
- **11.05.01.T** – Riparian rights of others.

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with **Coastal Management Element Goal 6-1, Coastal Management**

Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

- 1) Enhance Quality of Life
- 2) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS):

There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

The contractor provided a Florida Department of Environmental Protection (FDEP) Self-Certification for the project. City staff reviewed the application and determined that the plans comply with City Codes and regulations, including *Section 11.05.01, Marina Siting*.

HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on March 28, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 529 Norriego Road, consisting of the covered dock and seawall, subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family marine construction project located at 621 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. 22-12-HWB_529 Norriego
Rd_Abutter Notice
2. DEP Permit Signed Docs & Agent
Affidavit_v1
3. FDEP Submittal Receipt_v1
4. Site Plan_v1



Community Development Planning Division

4100 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

March 15, 2022

Subject: Notification of Application Submittal – Single-Family Residential Dock and Seawall Construction – 529 Norriego Rd

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a new dock and seawall. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, March 28, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Jim Parker
2. Name of Agent: John Green
3. Address of Project: 529 Norriego Rd
4. Parcel ID Number: 00-2S-24-2186-000F-0030
5. Project Description: The project proposes construction of a new dock and seawall.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Tunazzina Binte Alam
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File



Part 2: Certification

I hereby certify I have read and will conduct the above activities in accordance with the criteria, limitations, and specific conditions of the general permit(s) identified in Part 1 Section A, and in accordance with the general conditions of Rule 62-330.405, and/or 62-331.201, F.A.C., as applicable. Unless otherwise provided in Chapter 62-330, F.A.C., or unless the timeframes in 62-330.402(4), F.A.C. have been waived below, activities conducted pursuant to an ERP general permit may commence thirty (30) days after providing written notice to the Department of Environmental Protection or the Water Management District, along with any required additional documentation which may be required to fulfill the requirements of the general permit, unless the Agency responds that the proposed work does not qualify for a general permit. For State 404 Program general permits that require pre-construction notice under Chapter 62-331, F.A.C., the activity shall not commence until the permittee receives written confirmation of qualification for the general permit from the Agency. If both an ERP and State 404 Program general permit is required for such projects, the activity shall not commence until thirty (30) days after notice is received by the Agency, or until written confirmation of qualification for the State 404 Program general permit is received by the permittee, whichever is later.

I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable state water quality standards or other environmental standards both before construction and after the process is completed.

I further acknowledge that work done under the general permit(s) may also require the review and approval of other federal, state, or local agencies, and that commencement of construction before such federal, state, or local agency approvals or permits are obtained may subject me to enforcement action and fines or penalties by such agencies. Further, the work shall be conducted in a manner that does not violate applicable water quality standards.



By checking this box, I hereby voluntarily waive, in accordance with subsection 62-330.402(7), F.A.C., the 30-day or 60-day deadline in subsection 62-330.402(4), F.A.C., in the event my project also requires a State 404 Program authorization (other than an exemption) under Chapter 62-331, F.A.C., and request that the agency actions for the ERP general permit and State 404 Program be issued at the same time. (This is strongly recommended to ensure consistency, and to reduce the potential need for project modifications to resolve inconsistencies that may occur when the agency actions for the ERP and State 404 Program are issued at different times). If this box is checked and the Agency(ies) determines that no State 404 Program authorization is required, the Agency(ies) will continue to abide by subsection 62-330.402(4), F.A.C.

John W. Green

Typed/Printed Name of Applicant or Agent

Signature of Applicant or Agent

Date

An Agent May Sign Above If Applicant Completes the Following:

I hereby designate and authorize the agent listed in Item Part 1 Section C to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

Jim Parker

Typed/Printed Name of Applicant
(And corporate title, if applicable)

Signature of Applicant

Date

8-31-21

Certification of Sufficient Real Property Interest and Authorization for Staff to Access the Property:

I certify that:

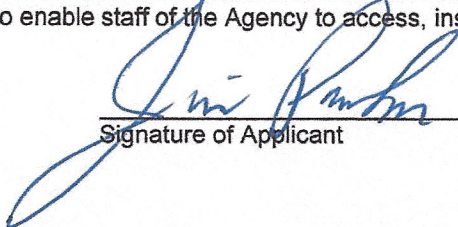
☒ **I possess sufficient real property interest in or control, as defined in Section 4.2.3(d) of Applicant's Handbook Volume I, over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, I agree to provide entry to the project site for such agents or personnel to monitor and inspect permitted work if a permit is granted.**

OR

☐ **I represent an entity having the power of eminent domain and condemnation authority, and I/we shall make appropriate arrangements to enable staff of the Agency to access, inspect, and sample the property as described above.**

Jim Parker

Typed/Printed Name of Applicant
(And corporate title, if applicable)


Signature of Applicant

Date

8-31-21

Part 3: Submittal

In addition to the information described in this form, any Notice of Intent to use a General Permit must also include the following, as described in Section 4.2.2 of the Applicant's Handbook, Volume I:

- Location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity.
- One set of plans and drawings, calculations, environmental information, and other supporting documents that clearly and legibly depict and describe the proposed activities in sufficient detail to demonstrate that the work qualifies for the specified General Permit(s).
- The required fee made payable to the appropriate agency.

Fees for the appropriate agency are established in the rules adopted in subsection 62-330.071(1), F.A.C., as listed below:

Rule 62-4.050, F.A.C. (Department of Environmental Protection or the Northwest Florida Water Management District)

Rule 40B-1.706, F.A.C. (Suwannee River Water Management District)

Rule 40C-1.603, F.A.C. (St. Johns River Water Management District)

Rule 40D-1.607, F.A.C. (Southwest Florida Water Management District)

Rule 40E-1.607, F.A.C. (South Florida Water Management District)

Operating Agreements between the Department and the water management districts specify which agency will process any given application. For copies of the operating agreements, go to <https://floridadep.gov/ogc/ogc/content/operating-agreements>

This application form may be submitted online; to do so, follow the on-line submittal requirements of the agency:

- o **Florida Department of Environmental Protection:** <http://www.fldeportal.com/go/>
- o **Northwest Florida Water Management District:**
<https://permitting.sjrwmd.com/nwep/permitting/jsp/start.jsp>
- o **Suwannee River Water Management District:**
<https://permitting.sjrwmd.com/sre/permitting/jsp/start.jsp>

- o **St. Johns River Water Management District:**
<https://permitting.sjrwmd.com/epermitting/jsp/AccountOverview.do?command=init>
- o **Southwest Florida Water Management District:**
<http://www.swfwmd.state.fl.us/permits/epermitting/>
- o **South Florida Water Management District:** <http://my.sfwmd.gov/ePermitting/MainPage.do>

If submitting a paper application, please see Appendix A of Applicant's Handbook, Volume I for submittal locations.

B. Certification of Sufficient Real Property Interest And Authorization For Staff To Access The Property:

I certify that:

☒ **I possess sufficient real property interest in or control, as defined in Section 4.2.3 (d) of Applicant's Handbook Volume I**, over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application, upon advance notice. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, if a permit is granted, upon advance notice, I agree to provide entry to the project site for such agents or personnel with proper identification to determine compliance with permit conditions and permitted plans and specifications.

OR

☐ I represent an entity having **the power of eminent domain and condemnation authority**, and I/we shall make appropriate arrangements to enable staff of the Agency to legally access, inspect, and sample the property as described above.

Jim Parker

Typed/Printed Name

Signature

Date 8-31-21

(Corporate Title if applicable)

C. Designation of Authorized Agent (If Applicable):

I hereby designate and authorize **John H. Elamad or John W. Green** to act on my behalf, or on behalf of my corporation, as the agent in the processing of this application for the permit and/or proprietary authorization indicated above and to furnish, on request, supplemental information in support of the application. In addition, I authorize the above-listed agent to bind me, or my corporation, to perform any requirements which may be necessary to procure the permit or authorization indicated above. I understand that knowingly making any false statement or representation in this application is a violation of Section 373.430, F.S., and 18 U.S.C. Section 1001.

Typed/Printed Name of Applicant

Signature of Applicant

Date 8-31-21

(Corporate Title if applicable)

AGENT AFFIDAVIT
SPECIAL POWER OF ATTORNEY

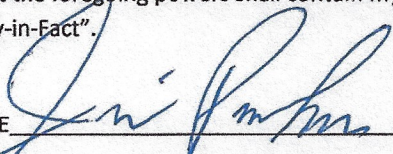
STATE OF FLORIDA COUNTY OF OKALOOSA

KNOW ALL MEN BY THESE PRESENTS, that I/We **JIM PARKER** is/are presently the owner and/or leaseholder of Parcel Id#**00-2S-24-2186-000F-0030**, in **OKALOOSA** County, State of **FLORIDA**, and desiring to execute a "Special Power of Attorney", have made, constituted, and appointed, by these presents do make, constitute and appoint John H. Elamad and/or John W. Green of **ECM, Engineering and Construction Management**, whose address is 4639 Gulf Starr Drive, in the County of Okaloosa, State of Florida, Telephone number 850-837-7454, and my "Attorney-in-Fact", to act as follows;

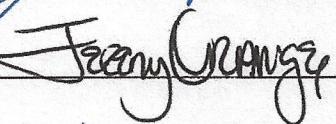
Giving and granting unto said "Attorney-in-Fact", full power to act as my Agent in any and all matters pertaining to the performance of all necessary functions and actions to address all environmental, planning, and engineering concerns, and Federal Emergency Management Agency, obtain any and all required permits that may be necessary from any Local, State and/or Federal agencies, for the above property in my name. Further to sign for all Development Orders concerning the property of the project.

Further, I do authorize the aforesaid "Attorney-in-Fact", to perform all necessary acts, deeds, and communications in execution of the aforesaid authorization with the same validity as I could affect if personally present. Any act, deed, communication, or thing lawfully done by the said "Attorney-in Fact", shall be binding on me and my heirs, legal and personal representatives, and assigns.

Provided, however, that any and all transactions conducted hereunder for me, or my account shall be transacted in my name, and that all endorsements and instruments executed by the said "Attorney-in-Fact", for the purpose of caring out the foregoing powers shall contain my name, followed by that of my said Attorney and the designation "Attorney-in-Fact".

SIGNATURE 

PRINTED NAME JIM PARKER

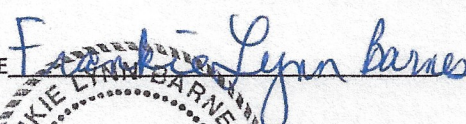
WITNESS 

PRINTED NAME Jeremy Orange

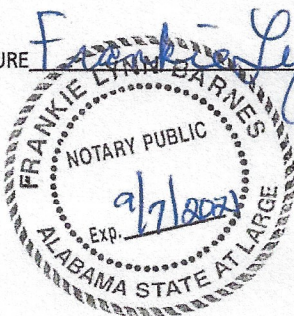
STATE OF Alabama COUNTY OF Lee

BEFORE ME, the undersigned Notary Public in and for said County and State, appeared Jim Parker, who is personally known to me, or who produced a Driver's License, as identification, and who did take an oath, and who is known to me to be the individual described by the said name who executed the foregoing instrument, and acknowledged and declared that the said individual executed the same for uses and purposes therein set forth.

Given under my hand and official seal this 31st day of August 2021.

SIGNATURE 

PRINTED NAME Frankie Lynn Barnes





FLORIDA DEPARTMENT OF
Environmental Protection

Bob Martinez Center
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

Payment Receipt

Remittance ID:	1479452
Remittance Date:	09/22/2021 01:26:29 PM
Name:	ECM-Civil John W. Green
Address:	4639 Gulfstarr Drive Destin, FL 32541
Payment Type:	FDEP Notice of Intent to Use an ERP General Permit
Amount:	\$775.29

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.F.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 9, 2022

SUBJECT: Single-Family Residential Marine Construction Proposed at 441 Calhoun Avenue
(PARCEL ID: 00-2S-22-0310-000D-0890)

I. BACKGROUND:

Ben William, B&W Services LLC, on behalf of Keaton Thiem has submitted an application for Harbor and Waterways Board review for construction of a dock consisting of a 32' x 4' access pier, one (1) 16' x 18' terminal platform, one (1) 16' x 6' hammock platform, one (1) 8' x 6' step-down platform, one (1) 40' x 2' catwalk, one (1) 24' x 14' covered boat slip, and one (1) 16' x 1' roof overhang, comprising approximately 992 square feet and replacement of 58.8' seawall.

II. DISCUSSION:

The applicant requests Harbor and Waterways Board approval for a single-family marine construction dock and seawall replacement project located at 441 Calhoun Avenue, located within Marler Bayou, a Class II Florida Waterbody.

The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, including the following subsections:

- *11.01.06 – Seawall Length and Placement*
- *11.05.01.A – Construction of new dock*
- *11.05.01.C, 11.05.01.D – Waste Disposal into the Harbor and Waterways of Destin*
- *11.05.01.F, 11.05.01.G, and 11.05.01.M – Length of the pier*
- *11.05.01.T – Riparian rights of others.*

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

A. Link to Strategic Goals / Objectives:

- 1) Enhance Quality of Life
- 2) Enhance and Preserve Heritage and Environment.

B. Effect on Budget (EOB): There is no anticipated effect on the budget.

C. Level of Service (LOS): There is no anticipated effect on the LOS.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

The contractor provided a Florida Department of Environmental Protection (FDEP) Permit (Permit No. 0414050-001-EE/46 & 0414050-002-EE/46) and U.S Army Corps of Engineers Permit (SAJ-2022-00057 NW/GP-SWA). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with *Article 11.05.01.M., Marina Siting of the City's Land Development Code*, and the Coastal Management Element of the City's Comprehensive Plan (*Coastal Management Element Policy 6-1.1.3*).

HARBOR AND WATERWAYS BOARD RECOMMENDATION: At the regularly scheduled Harbor and Waterways Board (HWB) meeting on April 25, 2022, the Harbor and Waterways Board unanimously recommended City Council approval of the proposed single-family marine construction project located at 441 Calhoun Avenue, consisting of one access pier, one terminal platform, one hammock platform, one step-down platform, one catwalk, one covered boat slip, and one roof overhang, comprising approximately ±992 square feet, and replacement of the seawall subject to the applicant meeting all applicable City permit requirements.

IV. RECOMMENDED MOTION:

I move that the City Council approve the single-family marine construction project located at 441 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. C. 20220406-Army Corp Permit_v1
2. 22-10-HWB_441 Calhoun Ave_Abutter Notice
3. A. Site Plan_v1
4. B. ERP_414050-001 002 Thiem Seawall and Dock_v1



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

April 6, 2022

Regulatory Division
North Branch
Pensacola Section
SAJ-2022-00057 (NW/GP-SWA)

Keaton Thiem
441 Calhoun Avenue
Destin, Florida 32541
Sent via email: Keaton.thiem@gmail.com

Dear Mr. Thiem:

The U.S. Army Corps of Engineers (Corps) has completed the review of your application for a Department of the Army permit received on December 22, 2021. Your application was assigned file number SAJ-2022-00057. A review of the information and drawings provided indicates that the proposed project is to construct a single-family dock and vertical seawall along the shoreline. Specifically, the dock will consist of a 32-foot by 4-foot access pier, a 16-foot by 18-foot terminal platform, a 16-foot by 6-foot utility platform, an 8-foot by 6-foot step-down platform, a 40-foot by 2-foot "L" shaped catwalk, and a 24-foot by 14-foot covered boat slip. The vertical seawall will be constructed along 133 linear feet of shoreline. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403), and Section 404 of the Clean Water Act (33 U.S.C. § 1344). The project is located in Marler Bayou at 441 Calhoun Avenue, Latitude: 30.406132°; Longitude: -86.501259°, Destin, Okaloosa County, Florida.

The aspect of your project involving the construction of 133 linear feet of seawall, as depicted on the attached drawings, is authorized by Nationwide Permit 13 (NWP-13), Bank Stabilization. **This verification is valid until March 14, 2026.** In order for this NWP authorization to be valid, you must ensure that the work is performed in accordance with the Nationwide Permit General Conditions, the Jacksonville District Regional Conditions, and the General and Project-Specific Special Conditions listed below. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP. Alternatively, you can access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Source Book web page for links to view NWP information at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>. Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to select "Source Book" and then select "Nationwide Permits." These

files contain the description of the NWP authorization, the NWP general conditions, and the regional conditions, which apply specifically to this NWP verification.

The aspect of your project involving the construction of a single-family dock, as depicted on the attached drawings, is authorized by Regional General Permit (RGP) SAJ-20 and its subsequent modifications, if applicable. **This RGP authorization is valid until March 27, 2023.** Please access the Corps' Jacksonville District Regulatory Division Source Book webpage to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is: <http://www.saj.usace.army.mil/Missions/Regulatory.aspx>. Please be aware this Internet address is case sensitive, and you will need to enter it exactly as it appears above. Once there select "Source Book" and then select "General Permits." Then you will need to select the specific SAJ permit noted above.

You must comply with all of the special and general conditions for the NWP and RGP, including any project-specific conditions included in this letter and all conditions incorporated by reference as described above.

General Conditions (33 CFR PART 320-330):

1. The time limit for completing the work authorized by NWP 13 ends on **March 14, 2026**. The time limit for completing the work authorized by RGP SAJ-20 ends on **March 27, 2023**.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity, or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner on the transfer form attached to this letter and forward a copy to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Project Specific Special Conditions:

The following project specific special conditions are included with this verification:

1. Reporting Address: The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, 415 Richard Jackson Boulevard, Suite 411, Panama City Beach, Florida 32407.

The Permittee shall reference this permit number, SAJ-2022-00057 (NW-SWA), on all submittals.

2. Permit Conditions Prevail: If information in the permit attachments conflict with the special conditions of this permit, the requirements of the permit special conditions shall prevail.

3. Commencement Notification: Within 10 days from the date of initiating the work authorized by this permit the Permittee shall complete and submit the attached “*Commencement Notification*” Form.

4. Posting of Permit: The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.

5. Self-Certification: Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached “*Self-Certification Statement of Compliance*” form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the

deviations between the work authorized by this permit and the work as constructed on the “*Self-Certification Statement of Compliance*” form. The description of any deviations on the “*Self-Certification Statement of Compliance*” form does not constitute approval of any deviations by the Corps.

6. Assurance of Navigation and Maintenance: The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within 1-foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

8. Jacksonville District Programmatic Biological Opinion (JAXBO): Structures and activities authorized under this permit will be constructed and operated in accordance with all applicable PDCs contained in the JAXBO, based on the permitted activity. Failure to comply with applicable PDCs will constitute noncompliance with this permit. In addition, failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take. The NMFS is the appropriate authority to determine compliance with the Endangered Species Act. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division website in the Endangered Species section of the Sourcebook located at:
<http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

JAXBO may be subject to revision at any time. The most recent version of these JAXBO must be utilized during the design and construction of the permitted work.

9. Manatee Conditions: The Permittee shall comply with the attached “*Standard Manatee Conditions for In-Water Work – 2011*”. The most recent version of the Manatee Conditions must be utilized.

10. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP.

b. If, during permitted activities, items that may have historic or archaeological origin are observed the Permittee shall immediately cease all activities adjacent to the discovery that may result in the destruction of these resources and shall prevent his/her employees from further removing, or otherwise damaging, such resources. The applicant shall notify both the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333 and the Corps, of the observations within the same business day (8 hours). Examples of submerged historical, archaeological or cultural resources include shipwrecks, shipwreck debris fields (such as steam engine parts, or wood planks and beams), anchors, ballast rock, concreted iron objects, concentrations of coal, prehistoric watercraft (such as log "dugouts"), and other evidence of human activity. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. The Corps shall coordinate with the Florida State Historic Preservation Officer (SHPO) to assess the significance of the discovery and devise appropriate actions. Project activities shall not resume without verbal and/or written authorization from the Corps.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands; they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

11. Section 401 Water Quality Certification and Coastal Zone Consistency

Concurrence: Prior to the initiation of any construction, projects qualifying for this DA permit must qualify for an exemption under section 403.813(1), Florida Statutes or

373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

12. Listed Species Incident Reporting: Incidents where Johnson's seagrass, or any individuals of whale, sea turtle, sturgeon, sawfish, coral, or other species listed by NOAA Fisheries under the Endangered Species Act appear to be injured or killed as a result of discharges of dredged or fill material into waters of the United States or structures or work in navigable waters of the United States authorized by this NWP shall be reported to NOAA Fisheries, Office of Protected Resources at (301) 713-1401 and the Regulatory Office of the Jacksonville District of the U.S. Army Corps of Engineers at 904-232-1177. The finder should leave the plant or animal alone, make note of any circumstances likely causing the death or injury, note the location and number of individuals involved and, if possible, take photographs. Adult animals should not be disturbed unless circumstances arise where they are obviously injured or killed by discharge exposure, or some unnatural cause. The finder may be asked to carry out instructions provided by NOAA Fisheries, Office of Protected Resources, to collect specimens or take other measures to ensure that evidence intrinsic to the specimen is preserved.

A jurisdiction determination was not completed with this request. Therefore, this is not an appealable action. However, you may request an approved JD, which is an appealable action, by contacting the Corps for further instruction.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

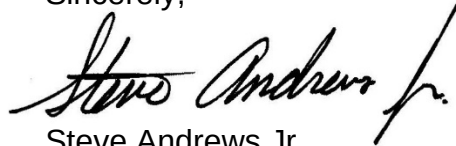
This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

This letter of authorization does not preclude the necessity to obtain any other Federal, State, or local permits, which may be required.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at <https://regulatory.ops.usace.army.mil/customer-service-survey/>. Please be aware this Internet address is case sensitive and you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Should you have any questions related to this verification letter or have issues accessing the documents reference in this letter, please contact Steve Andrews Jr. at the letterhead address above, via telephone at 850-439-0707, or via e-mail at stephen.w.andrews@usace.army.mil.

Sincerely,

A handwritten signature in black ink that reads "Steve Andrews Jr." with a stylized flourish at the end.

Steve Andrews Jr.
Project Manager

Enclosures

Transfer Request
Permit Drawings
Commencement Notification
Self-Certification
Standard Manatee Conditions

Copy Furnished:

Oakhurst Consulting

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

DA PERMIT NUMBER: SAJ-2022-00057 (NW/GP-SWA)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019 or submit via electronic mail to: SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)



PROPERTY INFO

PID: 00-2S-22-0310-000D-0890
 SITUS: 441 CALHOUN AVE
 DESTIN, FL 32541
 LAT: 30.405976
 LONG: -86.501277

RECORD OWNER

THIEM TAYLOR & KEATON
 441 CALHOUN AVE
 DESTIN, FL 32541

INDEX OF SHEETS

- 1- SITE LOCATION & SHEET INDEX
- 2-EXISTING SITE CONDITIONS
- 3-PLAN VIEW DEPICTED ONTO AERIAL
- 4-PLAN VIEW
- 5-PROFILE TYP.

PROJECT NAME: 441 CALHOUN AVE, THIEM

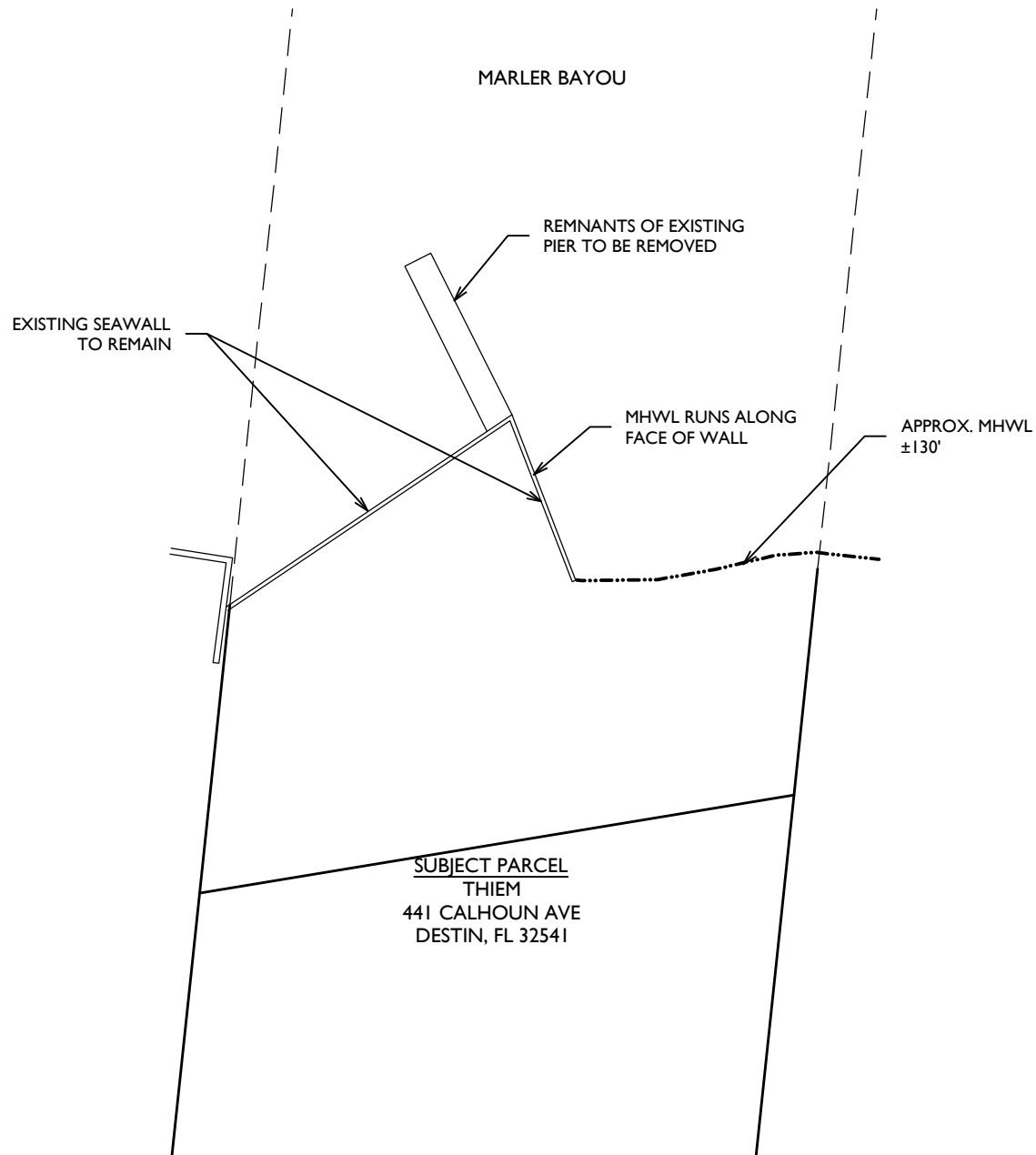
SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 1 OF 5





PROJECT NAME: 441 CALHOUN AVE, THIEM

EXISTING SITE CONDITIONS

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 2 OF 5





PROJECT NAME: 441 CALHOUN AVE, THIEM

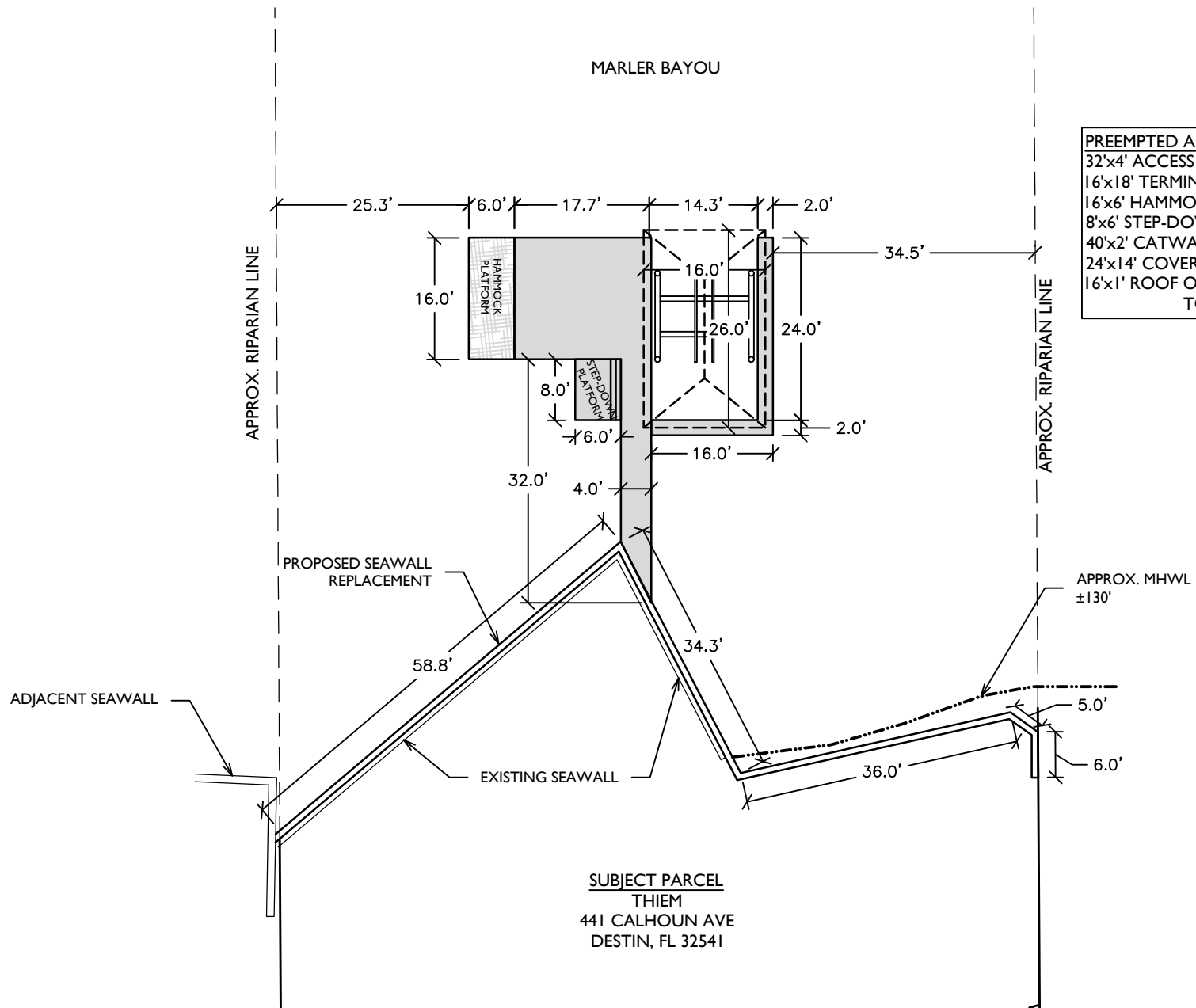
PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

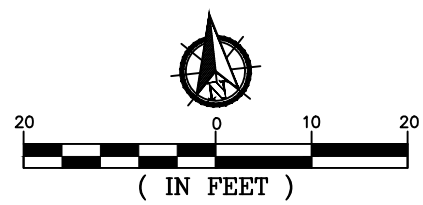
SHEET: 3 OF 5

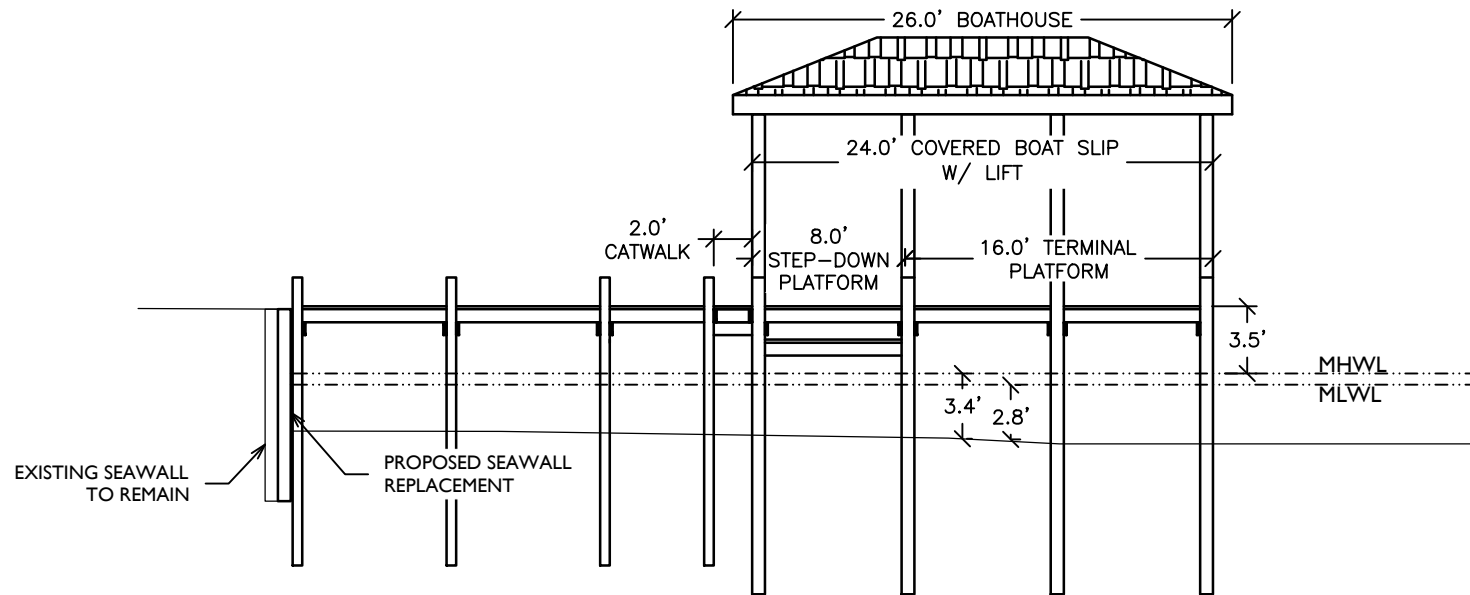




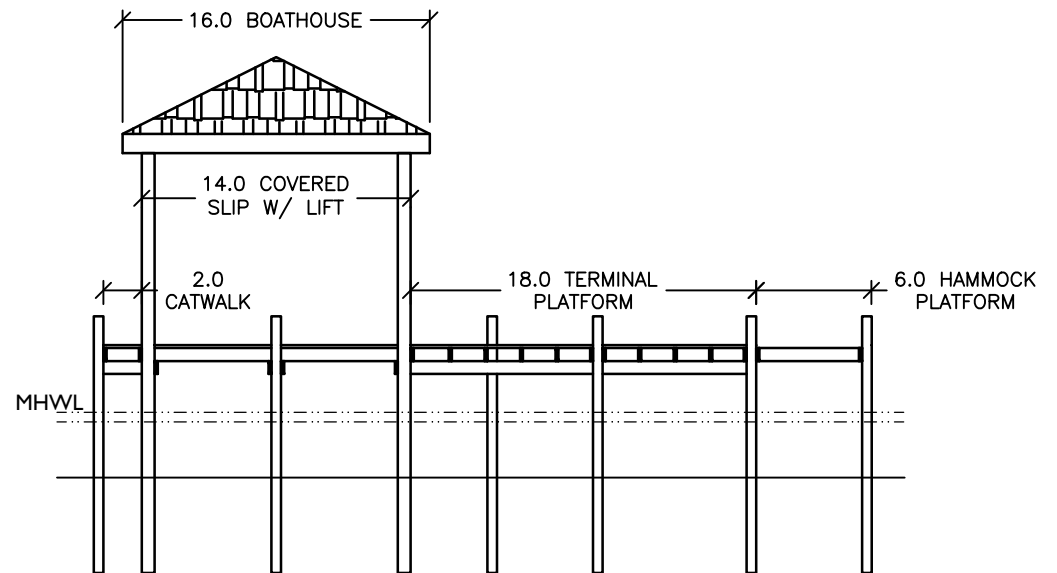
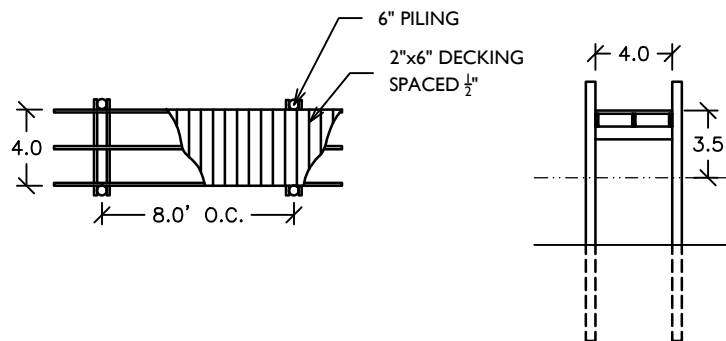
PREEMPTED AREA CALCS:	
32'x4' ACCESS PIER	= 128 S.F.
16'x18' TERMINAL PLATFORM	= 288 S.F.
16'x6' HAMMOCK PLATFORM	= 96 S.F.
8'x6' STEP-DOWN PLATFORM	= 48 S.F.
40'x2' CATWALK	= 80 S.F.
24'x14' COVERED BOAT SLIP	= 336 S.F.
16'x1' ROOF OVERHANG	= 16 S.F.
TOTAL	= 992 S.F.

PROJECT NAME: 441 CALHOUN AVE, THIEM	
PLAN VIEW	
PROJECT NO.: 2021-070	
DRAWN BY: JAT	DATE: 12/8/21
SHEET: 4 OF 5	





NOTE: PROPOSED SEAWALL REPLACEMENT WILL BE NO MORE THAN 18" WATERWARD OF EXISTING SEAWALL



PROJECT NAME: 441 CALHOUN AVE, THIEM

PROFILE (TYPICAL)

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 5 OF 5



COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2022-00057 (NW/GP-SWA)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2022-00057 (NW/GP-SWA)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

6. **Acreage or Square Feet of Impacts to Waters of the United States:** _____

7. **Describe Mitigation completed (if applicable):** _____

8. **Describe any Deviations from Permit (attach drawing(s) depicting the deviations):**

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

Dated 9/18/2019

STANDARD MANATEE CONDITIONS FOR IN-WATER WORK
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at ImperiledSpecies@myFWC.com



Community Development Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Email: planning@cityofdestin.com

April 11, 2022

**Subject: Notification of Application Submittal – Single-Family Residential Boat Dock –
441 Calhoun Ave**

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for construction of a single-family residential dock, comprising approximately 992 square feet. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall Annex, 4100 Indian Bayou Trail on Monday, April 25, 2022.** As an owner of property located adjacent of this project, *Article 2.17.00 of the Destin Land Development Code (LDC)* requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Keaton Thiem
2. Name of Agent: Ben William, B&W Services LLC
3. Address of Project: 441 Calhoun Ave
4. Parcel ID Number: 00-2S-22-0310-000D-0890
5. Project Description: The project proposes construction of a 32' x 4' access pier, one (1) 16' x 18' terminal platform, one (1) 16' x 6' hammock platform, one (1) 8' x 6' step-down platform, one (1) 40' x 2' catwalk, one (1) 24' x 14' covered boat slip, and one (1) 16' x 1' roof overhang, comprising approximately 992 square feet and replacement of 58.8' seawall.
6. Location of Application Package: To request a digital copy of the application package be sent to you, please call the City Clerk at (850) 837-4242 or fill out a Public Records Request (PRR) online: <http://www.cityofdestin.com/forms.aspx?fid=121>

If you have any questions or concern regarding this letter, please do not hesitate to call (850) 654-1119 option 2 or email at planning@cityofdestin.com.

Sincerely,

Sae More

Sae More
Planner

CC: Louis Zunguze, MURP, Community Development Director
Planning Division
Community Development Department Project File





PROPERTY INFO

PID: 00-2S-22-0310-000D-0890
 SITUS: 441 CALHOUN AVE
 DESTIN, FL 32541
 LAT: 30.405976
 LONG: -86.501277

RECORD OWNER

THIEM TAYLOR & KEATON
 441 CALHOUN AVE
 DESTIN, FL 32541

INDEX OF SHEETS

- 1- SITE LOCATION & SHEET INDEX
- 2-EXISTING SITE CONDITIONS
- 3-PLAN VIEW DEPICTED ONTO AERIAL
- 4-PLAN VIEW
- 5-PROFILE TYP.

PROJECT NAME: 441 CALHOUN AVE, THIEM

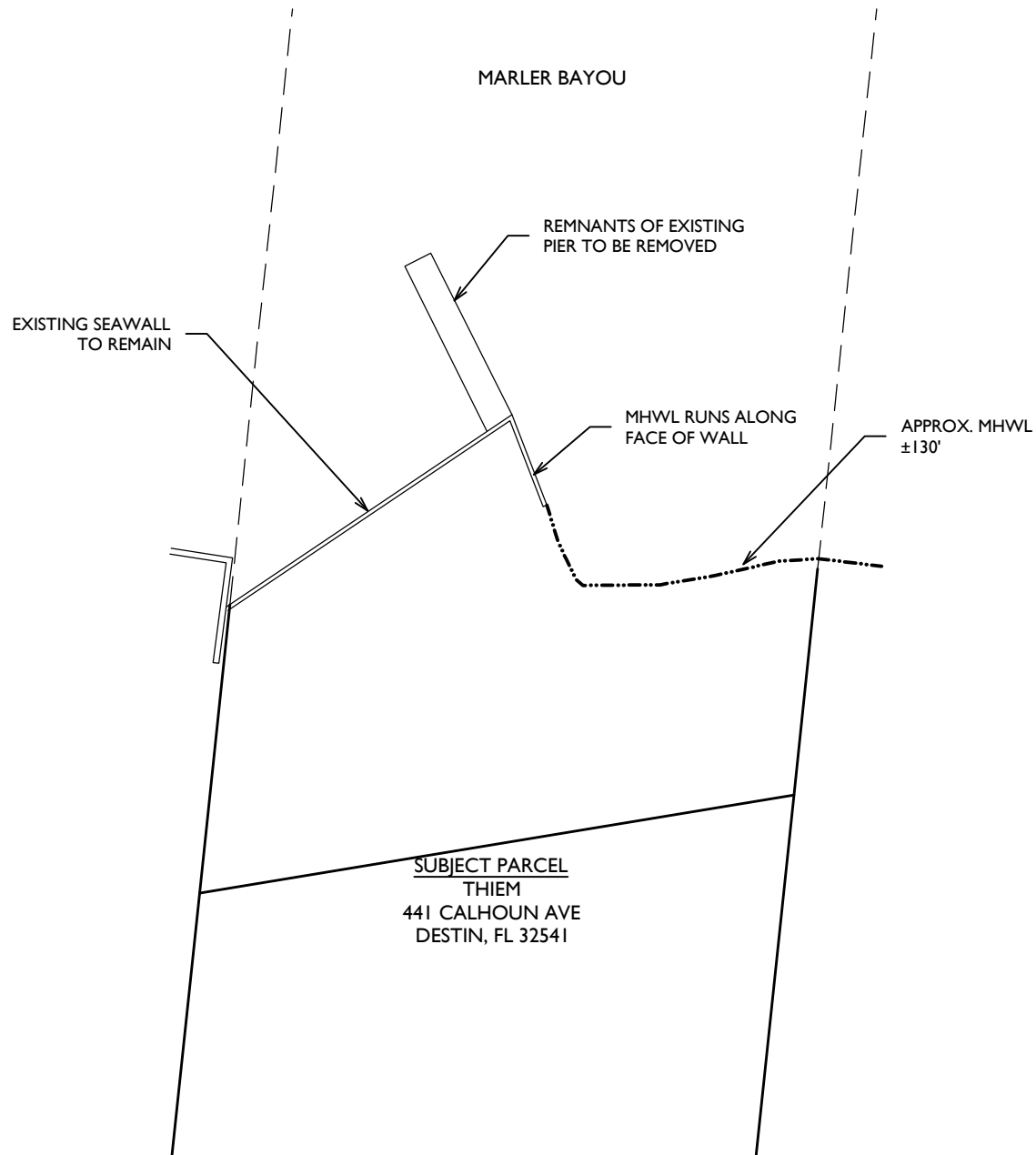
SITE LOCATION MAP & SHEET INDEX

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 1 OF 5





PROJECT NAME: 441 CALHOUN AVE, THIEM

EXISTING SITE CONDITIONS

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 2 OF 5





PROJECT NAME: 441 CALHOUN AVE, THIEM

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 3 OF 5





FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, Florida 32502-5740

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

January 19, 2022

Keaton Thiem
441 Calhoun Ave
Destin, FL 32541
keaton.thiem@gmail.com

File No.: 0414050-001-EE/46 & 0414050-002-EE/46, Okaloosa County

Dear Mr. Thiem:

On December 22, 2021 we received your request for verification of exemption to perform the following activities:

To construct a dock and seawall within Marler Bayou, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 441 Calhoun Ave, Destin, FL 32541, Parcel No. 00-2S-22-0310-000D-0890, in Section 24, Township 2 South, Range 23 West in Okaloosa County; 30°24'21.1" North Latitude, 86°30'4.6" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion(s) of this verification request. **Additional authorization must be obtained prior to commencement of the proposed activity.** This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.) under Section

403.813(1)(b), Florida Statutes (F.S.) and under Rule 62-330.051(12)(b) , Florida Administrative Code (F.A.C.) under Section 403.813(1)(e) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 1821.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to

comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

3. Federal Review – SPGP Not Approved / Not Included

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using the Application for Department of the Army Permit (ENG 4345) or alternative as allowed by Corps regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook:

(<https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book/>).

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Lucas Kimmel at the letterhead address, at (850)595-0576, or at Lucas.Kimmel@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Lucas Kimmel
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.051(5)(b), F.A.C. and / or Section 403.813(1)(b), F.S., Rule 62-330.051(12)(b), F.A.C. and / or Section 403.813(1)(e) 2 pages
2. Project Drawings, 5 pages

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Keaton Thiem, Applicant, keaton.thiem@gmail.com
Jason Taylor, Agent, jason@oakhurstconsult.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com
City of Destin, planning@cityofdestin.com
Blake Chapman, FDEP, Blake.A.Chapman@FloridaDEP.gov

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.



Clerk

January 19, 2022
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and
5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(12) Construction, Replacement, Restoration, Enhancement, and Repair of Seawall, Riprap, and Other Shoreline Stabilization –

(b) The restoration of a seawall or riprap under section 403.813(1)(e), F.S., where:

1. The seawall or riprap has been damaged or destroyed within the last year by a discrete event, such as a storm, flood, accident, or fire or where the seawall or riprap restoration or repair involves only minimal backfilling to level the land directly associated with the restoration or repair and does not involve land reclamation as the primary project purpose. See section 3.2.4 of Volume I for factors used to determine qualification under this provision;

2. Restoration shall be no more than 18 inches waterward of its previous location, as measured from the waterward face of the existing seawall to the face of the restored seawall, or from the waterward slope of the existing riprap to the waterward slope of the restored riprap; and

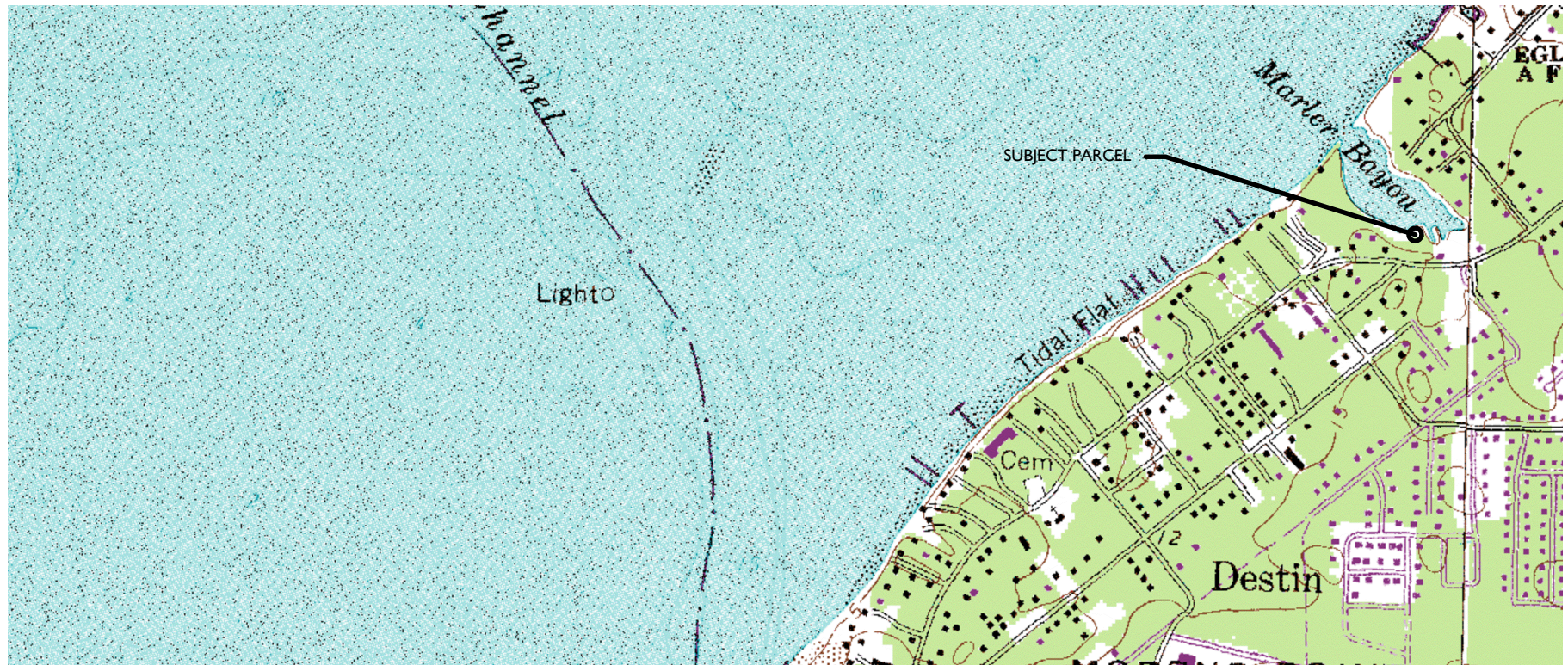
3. Applicable permits under chapter 161, F.S., are obtained.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(e) The restoration of seawalls at their previous locations or upland of, or within 18 inches waterward of, their previous locations. However, this shall not affect the permitting requirements of chapter 161, and department rules shall clearly indicate that this exception does not constitute an exception from the permitting requirements of chapter 161.

PROPERTY INFO

PID: 00-2S-22-0310-000D-0890
 SITUS: 441 CALHOUN AVE
 DESTIN, FL 32541
 LAT: 30.405976
 LONG: -86.501277

RECORD OWNER

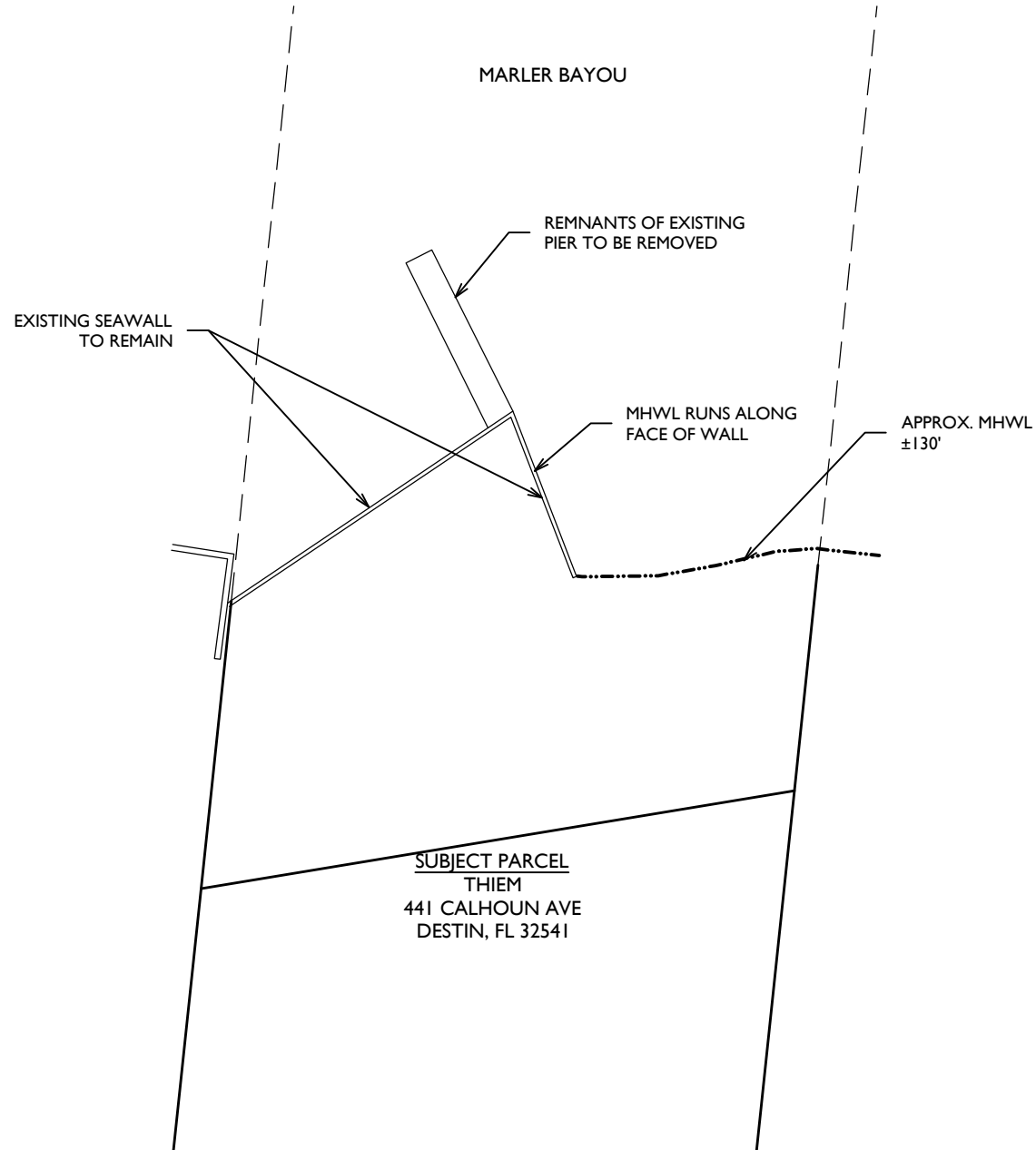
THIEM TAYLOR & KEATON
 441 CALHOUN AVE
 DESTIN, FL 32541

INDEX OF SHEETS

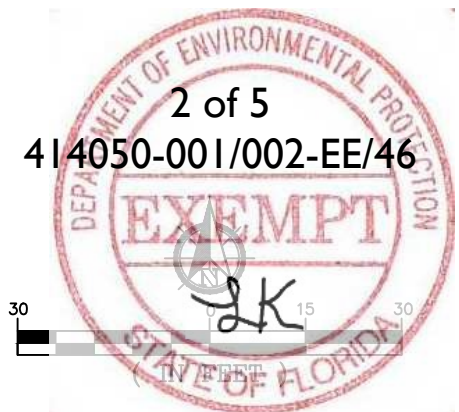
1- SITE LOCATION & SHEET INDEX
 2-EXISTING SITE CONDITIONS
 3-PLAN VIEW DEPICTED ONTO AERIAL
 4-PLAN VIEW
 5-PROFILE TYP.

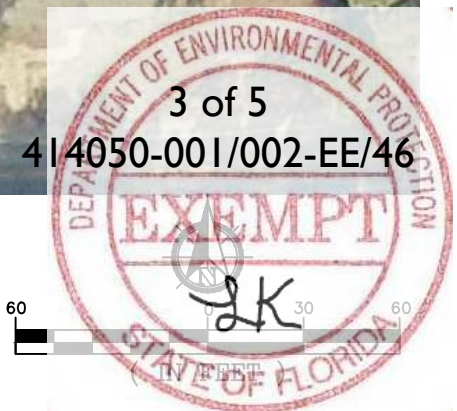
PROJECT NAME: 441 CALHOUN AVE, THIEM
SITE LOCATION MAP & SHEET INDEX
PROJECT NO.: 2021-070
DRAWN BY: JAT DATE: 12/8/21
SHEET: 1 OF 5





PROJECT NAME: 441 CALHOUN AVE, THIEM	
EXISTING SITE CONDITIONS	
PROJECT NO.: 2021-070	
DRAWN BY: JAT	DATE: 12/8/21
SHEET: 2 OF 5	





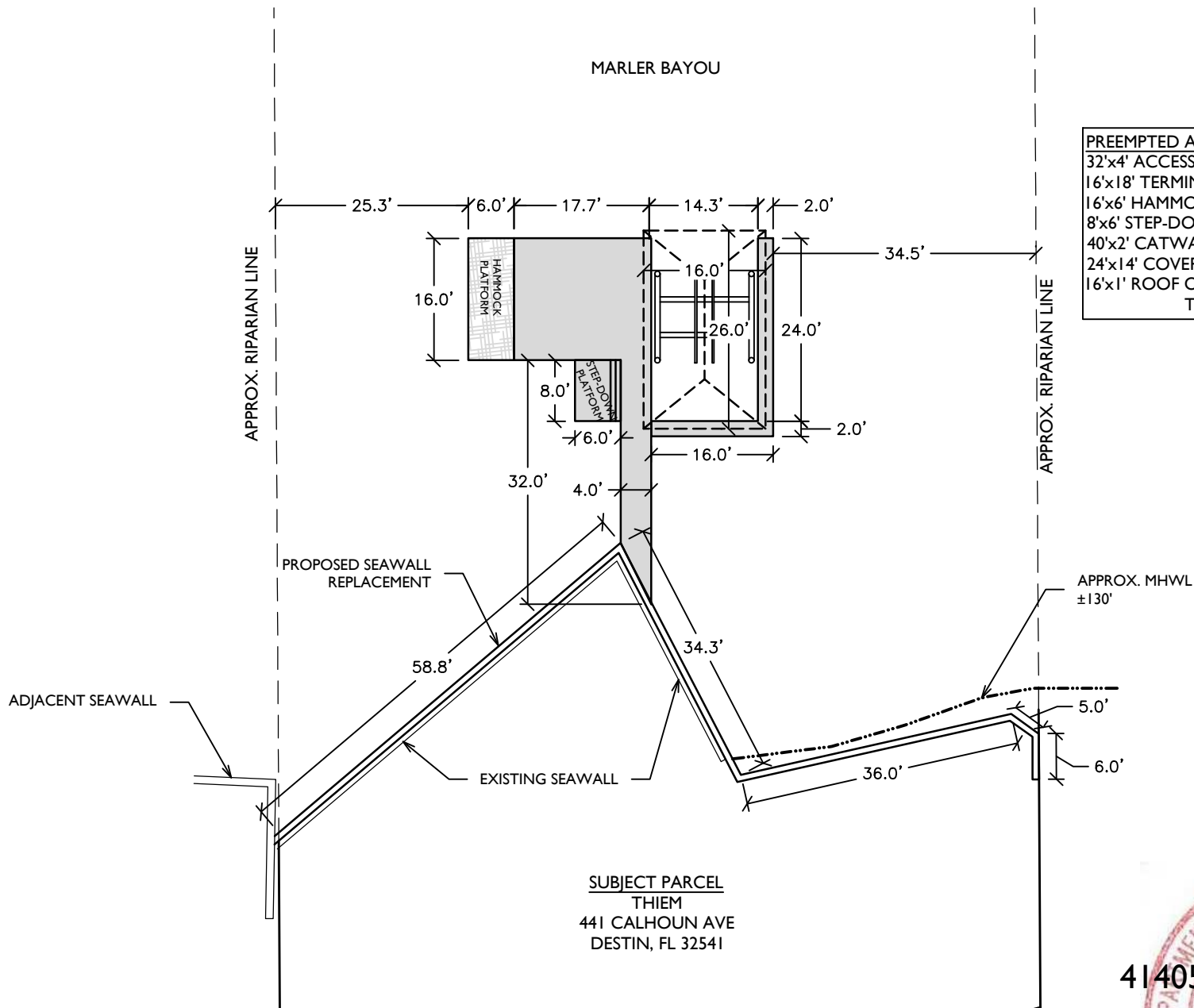
PROJECT NAME: 441 CALHOUN AVE, THIEM

PLAN VIEW DEPICTED ONTO AERIAL

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 3 OF 5

**PREEMPTED AREA CALCS:**

32'x4' ACCESS PIER	= 128 S.F.
16'x18' TERMINAL PLATFORM	= 288 S.F.
16'x6' HAMMOCK PLATFORM	= 96 S.F.
8'x6' STEP-DOWN PLATFORM	= 48 S.F.
40'x2' CATWALK	= 80 S.F.
24'x14' COVERED BOAT SLIP	= 336 S.F.
16'x1' ROOF OVERHANG	= 16 S.F.
TOTAL	= 992 S.F.

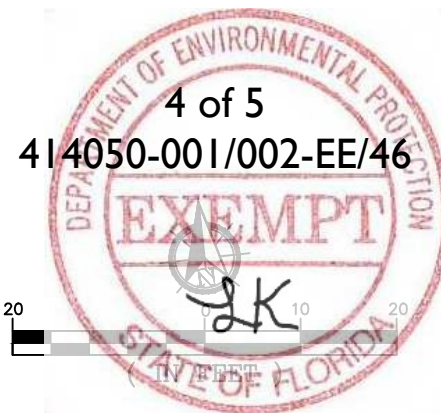
PROJECT NAME: 441 CALHOUN AVE, THIEM

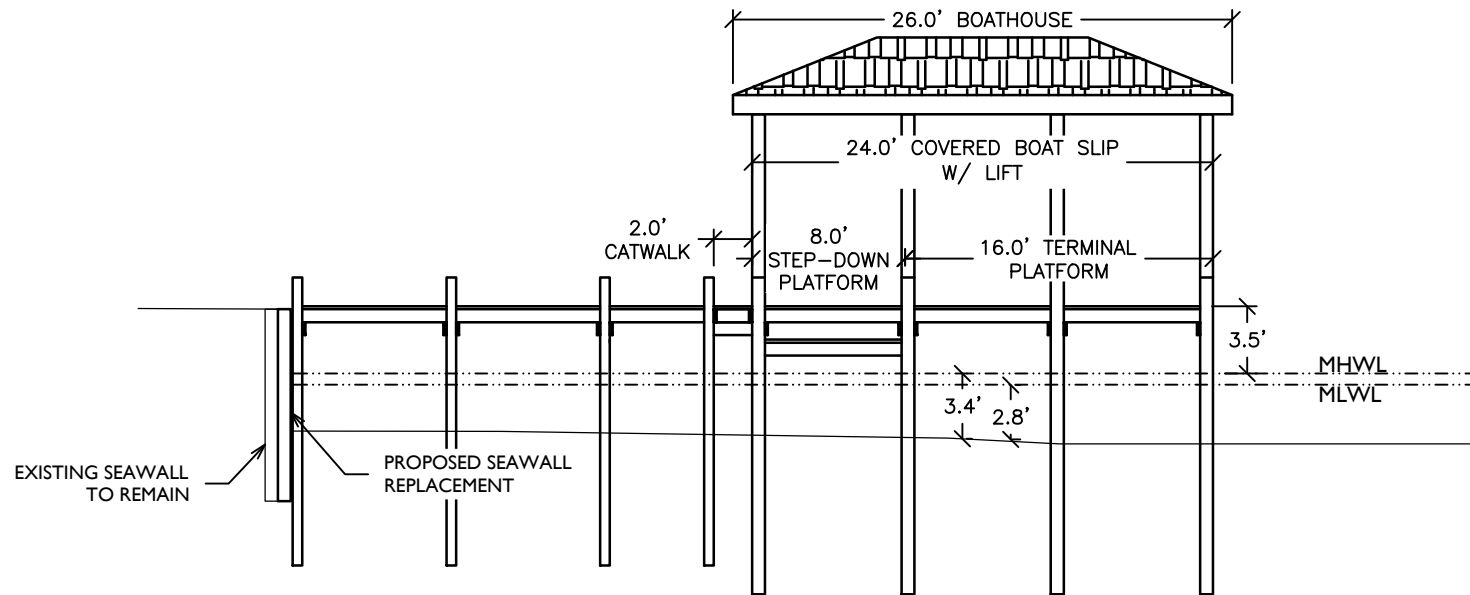
PLAN VIEW

PROJECT NO.: 2021-070

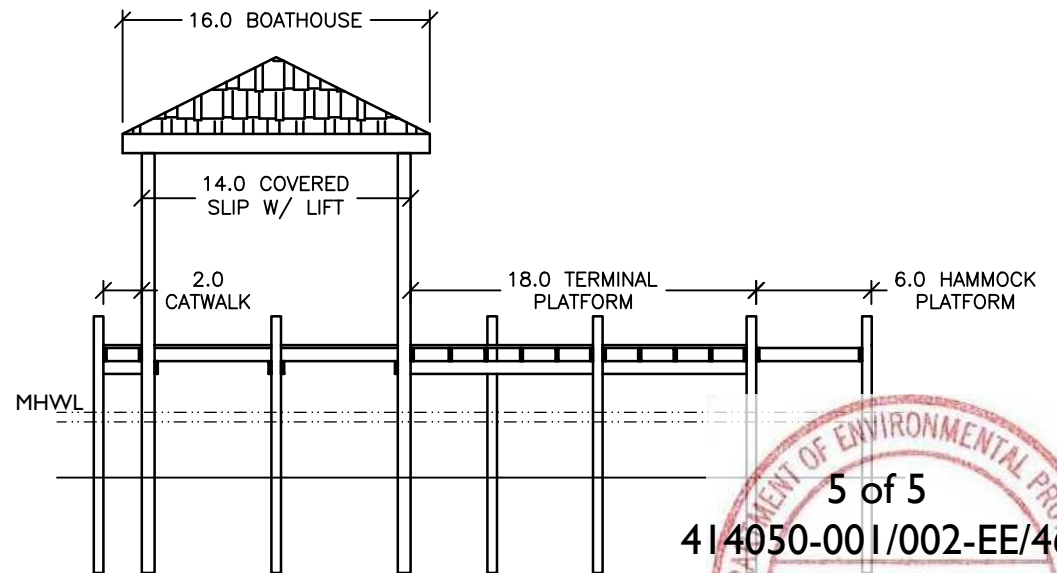
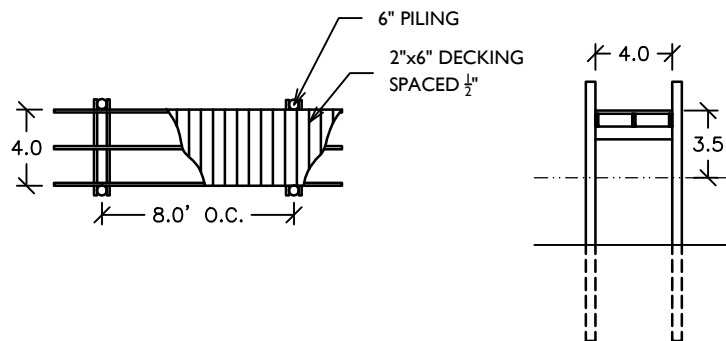
DRAWN BY: JAT DATE: 12/8/21

SHEET: 4 OF 5





NOTE: PROPOSED SEAWALL REPLACEMENT WILL BE NO MORE THAN 18" WATERWARD OF EXISTING SEAWALL



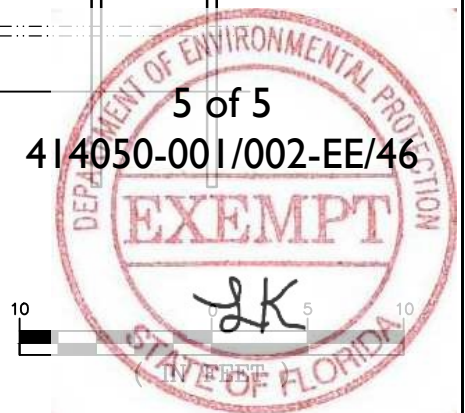
PROJECT NAME: 441 CALHOUN AVE, THIEM

PROFILE (TYPICAL)

PROJECT NO.: 2021-070

DRAWN BY: JAT DATE: 12/8/21

SHEET: 5 OF 5



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.G.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Scott Jenkins
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: May 9, 2022

SUBJECT: Ninety percent (90%) Plans for Gulf Shore Drive Extension at Norriego Point Park

I. BACKGROUND: At the October 18, 2021, City Council meeting the City 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 (owned in fee simple by the City) be determined in the City's discretion, subject to it being consistent with City Code. The City Council has also expressed a desire to redesign the Gulf Shore Drive Extension such that the amount of available public parking is increased. Since this time, City staff, engineers and the attorneys have worked internally, with FDEP, and with the developer to ensure that this condition is met and additional parking is available to the general public on the extension of Gulf Shore Drive.

II. DISCUSSION: FDEP has spearheaded development of Phase III of the Norreigo Point Recreational Improvements. As part of the design work, FDEP's contracted engineer (Taylor Engineering through its subcontractor, HALFF engineering) designed the Gulf Shore Drive Extension to Norriego Point Park. Construction of the Gulf Shore Drive Extension is necessary to provide access to the park. Although the road was not fully designed and engineered, the general concept was completed by FDEP's contractors in 2019.

On October 18, 2021, the City and Pointe Mezzanine, LLC, and Pointe Resort, LLC (together, Pointe Mezzanine and Pointe Resort will be referred to as the "Developer") entered into the Gulf Shore Drive Extension Construction Agreement (the "Roadway Agreement"), which generally provides for construction of the Gulf Shore Drive Extension

to be performed and paid for by Developer (except that costs limited to the re-design of the road are to be borne by both the City and Developer as set forth in the Roadway Agreement). The Roadway Agreement provides that the City Council has ultimate discretion to determine the road's final design. The City Council expressed a particular interest in increasing the available public parking on the soon to be constructed road.

Pursuant to the directive of the City Council, City staff, attorneys, and engineering have worked with the Developer and coordinated with FDEP on the redesign of the Gulf Shore Drive Extension, which will serve Norriego Point Park. A total of seventy-seven (77) spaces will be available for public parking including thirty-eight (38) spaces that have been added to Gulf Shore Drive, thirteen (13) LSV spaces, and twenty-six (26) spaces in the existing parking lot. At this time, the 90% plans are before the City Council for consideration with a staff recommendation of approval. If the 90% plans are approved by the City Council, City staff and the Developer will proceed to finalize the remaining engineering details through completion of the 100% plans, permitting and construction. Acceptance of the road by the City Council will be requested at a later date, after completion of construction.

- A. **Link to Strategic Goals / Objectives:**
- B. **Effect on Budget (EOB):**
- C. **Level of Service (LOS):**
- D. **Legislative Sponsor (Land Use Items):**

III. CONCLUSION: Approval of the 90% plans will provide the public access to the newly developed Norreigo Point Park together, increase available public parking at the park, and ensure that Phase III of the Norreigo Point Park Recreational Facility moves forward as quickly as possible.

IV. RECOMMENDED MOTION: I move to approve the 90% plans and authorize staff to finalize plans through construction permitting.

Attachments:

1. 22-03 City of Destin Norriego Point-01 COVER SHEET (1)
2. 22-03 City of Destin Norriego Point-02 EXISTING CONDITIONS
3. 22-03 City of Destin Norriego Point-03 EROSION CONTROL
4. 22-03 City of Destin Norriego Point-04 SITE PLAN
5. 22-03 City of Destin Norriego Point-05 GRADING DRAINAGE PLAN
6. 22-03 City of Destin Norriego Point-06 UTILITY PLAN
7. 22-03 City of Destin Norriego Point-07 UTILITY SLEEVE EXHIBIT

8. 22-03 City of Destin Norriego Point-
08 ROAD PROFILE CROSS-
SECTIONS
9. 22-03 City of Destin Norriego Point-
09 MISCELLANEOUS DETAILS
10. 22-03 City of Destin Norriego Point-
10 MISCELLANEOUS DETAILS II
11. 22-03 City of Destin Norriego Point-
11 SPECIFICATIONS I
12. 22-03 City of Destin Norriego Point-
12 SPECIFICATIONS II

GULF SHORE DRIVE EXTENSION

CITY OF DESTIN, FLORIDA



LATITUDE = 30°23'27.31"N THE PROJECT SITE IS LOCATED IN CITY OF DESTIN, FLORIDA, ON END OF
 LONGITUDE = 86°30'31.88"W THE GULF SHORE DRIVE.
 SECTION = 0
 TOWNSHIP = 2 SOUTH
 RANGE = 24 WEST
 COUNTY = OKALOOSA

(WATER/SEWER) DESTIN WATER USERS 218 MAIN STREET DESTIN, FL 32541 (850) 837-4930	(TELEPHONE) CENTURYLINK 411 MARY ESTHER CUTOFF FT. WALTON BEACH, FL 32548 (850) 244-1150	(ELECTRIC) FLORIDA POWER & LIGHT (FPL) 140 HOLLYWOOD BLVD SW FT. WALTON BEACH, FL 32548 (800) 225-5797	(GAS) OKALOOSA GAS DISTRICT 20 HUGHES STREET NE FT. WALTON BEACH, FL 32548 (850) 729-4700
(CABLE) COX COMMUNICATIONS FT. WALTON BEACH, FL 32548 (850) 226-6872			

STEVE O'CONNOR - Principal Planner
(850) 654-1119 Option 2

THE ENGINEER, AS REPRESENTATIVE OF THE OWNER, SHALL NOT GUARANTEE THE WORK OF ANY CONTRACTOR OR SUBCONTRACTOR, SHALL HAVE NO AUTHORITY TO STOP WORK, SHALL HAVE NO SUPERVISION OR CONTROL AS TO THE WORK OR PERSONS DOING THE WORK, SHALL NOT HAVE CHARGE OF THE WORK, SHALL NOT BE RESPONSIBLE FOR SAFETY IN, ON, OR ABOUT THE JOB SITE OR HAVE ANY CONTROL OF THE SAFETY OR ADEQUACY OF ANY EQUIPMENT, BUILDING COMPONENT, SCAFFOLDING, SUPPORTS, FORMS, OR OTHER WORK AIDS, AND SHALL HAVE NO DUTIES OR RESPONSIBILITIES IMPOSED BY THE STRUCTURAL WORK ACT.

USE LATEST CITY OF DESTIN , REGIONAL UTILITIES, AND/OR F.D.O.T. TECHNICAL SPECIFICATIONS AND DETAILS UNLESS OTHERWISE NOTED.

90% Design Plans



73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

JEICIVIL.COM

[illegible]

CITY OF DESHAIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

COVER SHEET

NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

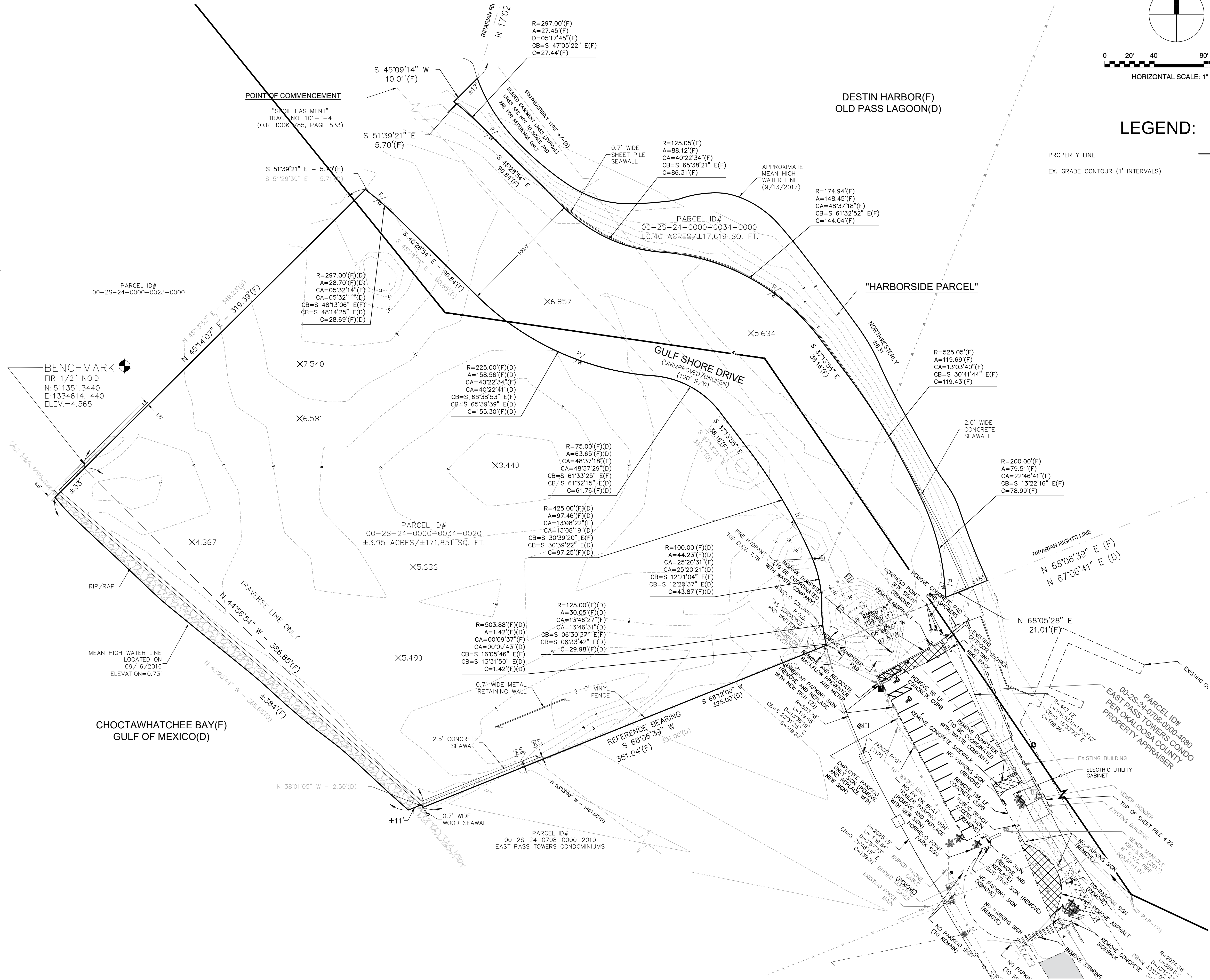
DOB:	22-03
DATE:	05-09-22
DESIGNED:	MZ/MS
DRAWN:	MS

BAR IS ONE INCH ON ORIGINAL
0 1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
01 OF 12

SHEET NUMBER
C01

1. IMPROVEMENTS HAVE BEEN LOCATED AS SHOWN, UNDERGROUND UTILITIES HAVEN'T BEEN VERIFIED AND MAY DIFFER FROM THE INFORMATION SHOWN HEREON. BEFORE DIGGING CALL SUNSHINE 811 LINE LOCATORS.
2. THIS SURVEY, PLAN OR DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND WAS SOLELY BASED ON THE INFORMATION OBTAINED FROM PUBLIC RECORDS AND/OR PROVIDED TO THE SURVEYOR.
3. BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATES (NORTH ZONE) AS DERIVED FROM A GEODETIC SOLUTION USING RTK GPS AND OPUS SOLUTIONS. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.
4. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.
5. LIABILITY TO THE SURVEYOR SHALL NOT EXCEED THE AMOUNT PAID FOR THIS SURVEY.
6. THIS SURVEY MAP OR REPORT OR THE COPIES OF THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA REGISTERED SURVEYOR AND MAPPER, OR ELECTRONICALLY SIGNED PUR SUJ-17.062 OF THE FLORIDA ADMINISTRATIVE CODE.
7. THE USE OF THIS BOUNDARY SURVEY IN CONJUNCTION WITH AN "OWNERS AFFIDAVIT" OR ANY OTHER INSTRUMENT WHICH IS DESIGNED TO TRANSFER TITLE WITHOUT A CURRENT SURVEY IS NOT PERMITTED OR SUPPORTED BY THIS SURVEYOR, AND WILL INVALIDATE THIS SURVEY.
8. THIS DRAWING IS INTENDED TO BE PRINTED ON 34x22. IF PRINTED IN A DIFFERENT SIZE THE SCALE WILL BE INACCURATE.
9. ACCORDING TO THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COMMERCIAL RISK, FLORIDA, MAP NUMBER 130010469H, EFFECTIVE DATE 3/9/2021, THIS SITE LIES WITHIN ZONE VE-13.
10. RIPARIAN LINES SHOWN HEREON WERE TAKEN FROM EMERALD COAST ASSOCIATES, INC. SURVEY # 05-251-SUL-R3, DATED 05/02/08, AND HAVE NOT BEEN REVERIFIED BY GUSTIN, COTTERMAN & TUCKER, INC.



A north arrow pointing upwards, labeled 'N'. Below it is a horizontal scale bar with markings at 0, 20', 40', 80', and 120'. The text 'HORIZONTAL SCALE: 1" = 40'' is written below the scale bar.

LEGEND:

PROPERTY LINE

EX. GRADE CONTOUR (1' INTERVALS)

		JENKINS ENGINEERING, INC. 73 EGLIN PARKWAY NE, SUITE 203 FORT WALTON BEACH, FLORIDA 32548 PHONE 850.837.2446 FAX 850.837.2450		JEICIVIL.COM	
CITY OF DESTIN GULF SHORE DRIVE EXTENSION CITY OF DESTIN, FLORIDA EXISTING CONDITIONS NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE	REV	DATE	DESCRIPTION	BY	
	***	***	***	***	
JOB: 22-03 DATE: 05-09-22 DESIGNED: MZ/MS DRAWN: MS		BAR IS ONE INCH ON ORIGINAL 0 1"			
IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY		DRAWING NUMBER 02 OF 12			
SHEET NUMBER C02					

EROSION NOTES

1. EROSION PROTECTION: SOIL EROSION SEDIMENTATION MUST BE CONTROLLED AND RETAINED ON SITE DURING CONSTRUCTION. THEREFORE, EROSION PROTECTION, SUCH AS STAKED BALED HAY AND SILT FENCE BARRIERS, MUST BE INSTALLED PRIOR TO START OF CONSTRUCTION.
2. SILT FENCE BARRIER SHALL BE INSTALLED AS SHOWN ON PLANS, AND IN ALL AREAS SUBJECT TO SOIL EROSION SEDIMENTATION.
3. STORMWATER DETENTION BANKS TO THE NORMAL POOL ELEVATION SHALL BE SODDED.
4. GRADES AT CURBS ARE AT FLOWLINE.
5. SILT FENCE TO BE CONSTRUCTED AND MAINTAINED AROUND ALL INLETS; ALSO ACROSS ALL COURSE AT EDGE OF SITE AND AT 150' INTERVALS.
6. DEVELOPER OR THEIR DESIGNATED CONTRACTOR SHALL PROVIDE COPIES OF NPDES NOTICE OF INTENT (NOI) AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP) TO CITY OF FREEPORT DEVELOPMENT ORDER INSPECTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.

NOTES:

1. IMPROVEMENTS HAVE BEEN LOCATED AS SHOWN, UNDERGROUND UTILITIES HAVENT BEEN VERIFIED AND MAY DIFFER FROM THE INFORMATION SHOWN HEREON. BEFORE DIGGING CALL SUNSHINE 811 LINE LOCATORS.
2. THIS SURVEY, PLAT OR DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH, AND WAS SOLELY BASED ON THE INFORMATION OBTAINED FROM PUBLIC RECORDS AND/OR PROVIDED TO THE SURVEYOR.
3. BEARINGS SHOWN HEREON ARE BASED ON FLORIDA STATE PLANE COORDINATES (NORTH ZONE) AS DERIVED FROM A GEODETIC SOLUTION USING RTK GPS AND OPUS SOLUTIONS. ALL DISTANCES SHOWN HEREON ARE GRID DISTANCES.
4. THERE MAY BE ADDITIONAL RESTRICTIONS NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THE COUNTY WHERE THE PROPERTY IS LOCATED.
5. LIABILITY TO THE SURVEYOR SHALL NOT EXCEED THE AMOUNT PAID FOR THIS SURVEY.
6. THIS SURVEY MAP OR REPORT OR THE COPIES OF THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, OR ELECTRONICALLY SIGNED PER 5J-17.062 OF THE FLORIDA ADMINISTRATIVE CODE.
7. THE USE OF THIS BOUNDARY SURVEY IN CONJUNCTION WITH AN "OWNERS AFFIDAVIT" OR ANY OTHER INSTRUMENT WHICH IS DESIGNED TO TRANSFER TITLE WITHOUT A CURRENT SURVEY IS NOT PERMITTED OR SUPPORTED BY THIS SURVEYOR, AND WILL INVALIDATE THIS SURVEY.
8. THIS DRAWING IS INTENDED TO BE PRINTED ON 34X22. IF PRINTED IN A DIFFERENT SIZE THE SCALE WILL BE INACCURATE.
9. ACCORDING TO THE FLOOD INSURANCE RATE MAP PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR OKALOOSA COUNTY, FLORIDA, MAP NUMBER 12091C0469H, EFFECTIVE DATE 3/9/2021, THIS SITE LIES WITHIN ZONE VE-13.
10. RIPARIAN LINES SHOWN HEREON WERE TAKEN FROM EMERALD COAST ASSOCIATES, INC. SURVEY # 05-251SUL-R3, DATED 05/02/08, AND HAVE NOT BEEN REVERIFIED BY GUSTIN, COTHERN & TUCKER, INC.

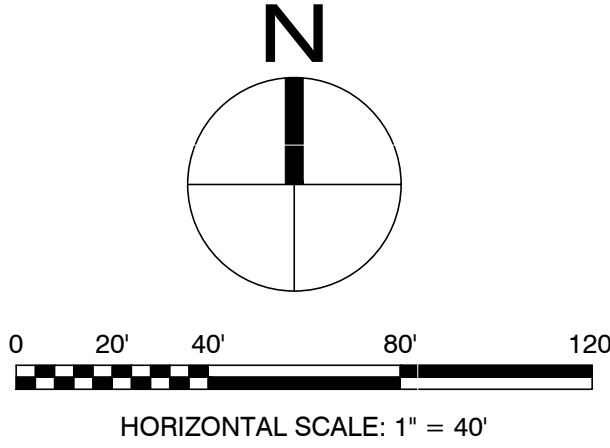
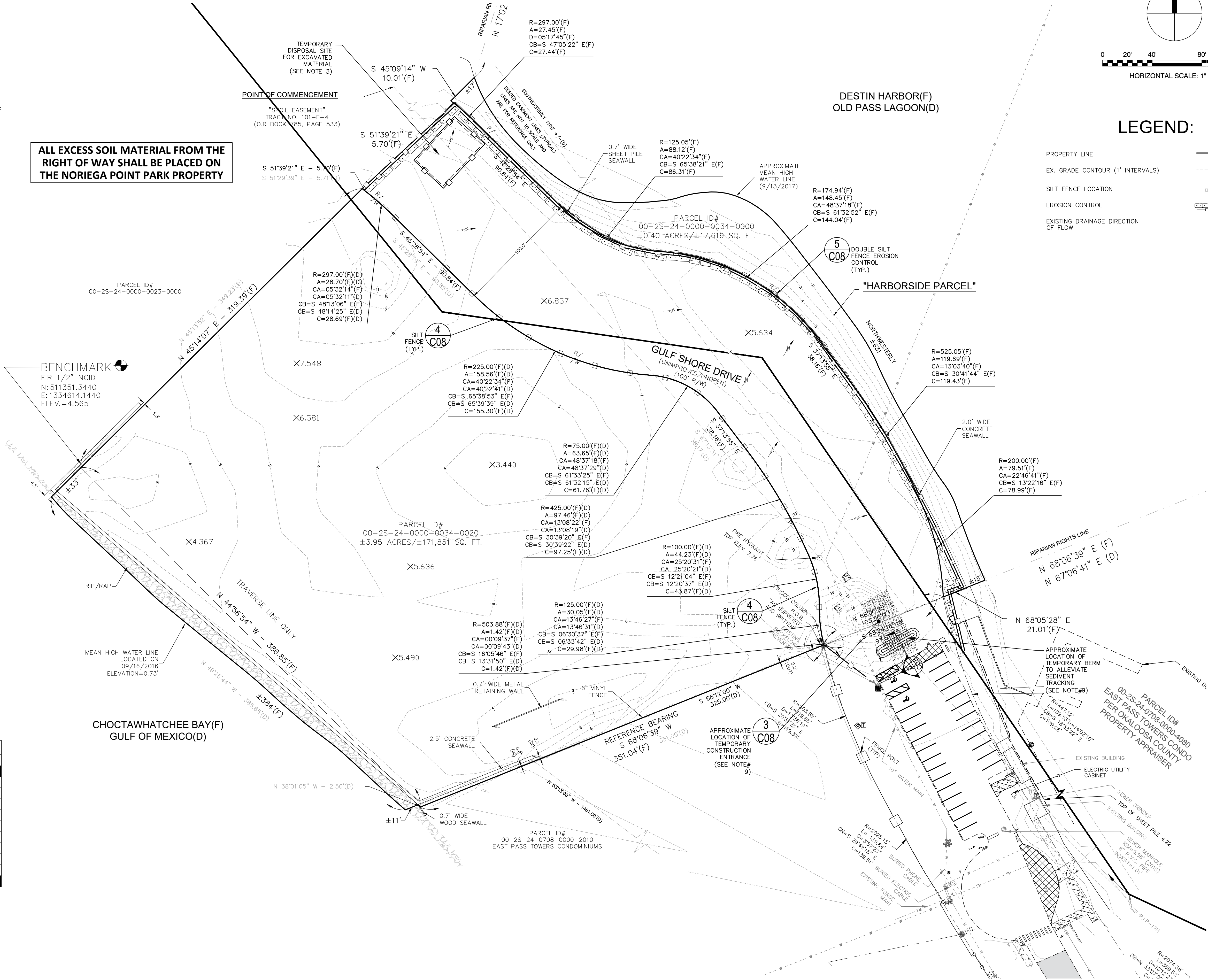
STOCKPILE NOTES:

1. SOIL STOCKPILES SHOULD BE PROTECTED OR ADEQUATELY COVERED FROM STORMWATER DURING CONSTRUCTION.
2. ACCEPTABLE COVER MEASURES INCLUDE:
 - A. SILT FENCING
 - B. TRENCH AROUND THE BASE OF THE STOCKPILE
 - C. TARP
 - D. TEMPORARY SEEDING.
3. STOCK PILES SHALL NOT BE PLACED NEAR THE PERIMETER OF THE SITE, NEAR A WATERBODY OR STORM DRAIN INLET, OR WITHIN 10 FEET OF AN INFILTRATION/EXFILTRATION SYSTEM.

DEVELOPMENT SCHEDULE

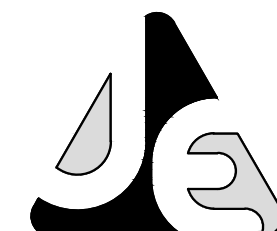
TASK	MO. 1	MO. 2	MO. 3	MO. 4
E&S INSTALLATION & MAINTENANCE				
SITE CLEARING				
ROUGH GRADING				
UTILITY CONSTRUCTION				
STORMWATER CONSTRUCTION				
ROADWAY BASE PREPARATION				
CURB AND SIDEWALK CONSTRUCTION				
PAVING				
FINAL GRADING				
FINISHED GRADING				
FINAL LANDSCAPING				

ALL EXCESS SOIL MATERIAL FROM THE RIGHT OF WAY SHALL BE PLACED ON THE NORIEGA POINT PARK PROPERTY



LEGEND:

- PROPERTY LINE
- EX. GRADE CONTOUR (1' INTERVALS)
- SILT FENCE LOCATION
- EROSION CONTROL
- EXISTING DRAINAGE DIRECTION OF FLOW



JENKINS ENGINEERING, INC.
75 EGLIN PARKWAY NE SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

JEICIVIL.COM

BY	..
DESCRIPTION	
DATE	..
REV	..

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

EROSION CONTROL

NOT VALID UNLESS BEARING ENGINEERS ORIGINAL SIGNATURE

JOB: 22-03

DATE: 05-09-22

DESIGNED: MZ/MS

DRAWN: MS

BAR IS ONE INCH ON ORIGINAL

IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
03 OF 12

SHEET NUMBER
C03

- CITY OF DESTIN DUST CONTROL REQUIREMENTS
1. GRADING OPERATIONS WILL NOT BE CONDUCTED WHEN WINDS EXCEED 30 MILES PER HOUR.
2. WATER WILL BE APPLIED WITH HOSE OR WATER TRUCK, AS NECESSARY, DURING EXCAVATION ACTIVITIES.
3. CONTRACTOR SHALL ENSURE THAT ANY OPEN-BODIED TRUCKS, TRAILERS OR OTHER VEHICLES TRANSPORTING PARTICULATE MATTER SHALL BE COVERED OR WETTED TO MINIMIZE DUST GENERATION DURING TRANSPORT.
4. STOCKPILED MATERIAL SHALL BE COVERED OR WETTED, AS REQUIRED, TO MINIMIZE DUST GENERATION DURING HIGH WIND CONDITIONS.
5. CONTRACTOR SHALL MINIMIZE THE HEIGHTS INVOLVED IN TRANSFER PROCESSES INVOLVING FREE FALL OF SOIL OR OTHER PARTICULATE MATTER TO MINIMIZE DUST EMISSIONS.
6. WATER WILL BE APPLIED BY HOSE OR WATER TRUCK, AS NECESSARY, TO UNPAVED SURFACES, INCLUDING ADJACENT RIGHT-OF-WAYS, OR ANY OTHER SURFACE THAT COULD CREATE AIRBORNE DUST.
7. GROUND COVER WILL BE PLACED FOR ALL OPEN AREAS IMMEDIATELY AFTER CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED.
8. DESIGNATED ROUTES WITHIN THE JOB SITE THAT WILL BE USED BY VEHICLES TRANSPORTING SOIL OR OTHER MATERIALS TO AND FROM THE SITE SHALL BE CLEARLY INDICATED.
9. CONTRACTOR SHALL PROVIDE BRUSHES, BROOMS, WATER OR PRESSURE WASHERS, AS REQUIRED, TO REMOVE SOIL, SAND, DIRT AND ANY OTHER PARTICULATE MATTER FROM VEHICLE TIRES AND UNDERCARRIAGES PRIOR TO LEAVING THE SITE IN ORDER TO PREVENT THE TRACKING OUT OF SAID SOIL, SAND, DIRT AND ANY OTHER PARTICULATE MATTER ONTO THE ADJACENT RIGHT-OF-WAYS.
10. MAXIMUM SPEED OF CONSTRUCTION EQUIPMENT OR MATERIAL DELIVERIES SHALL BE 20 MILES PER HOUR.
11. ANY SOIL, SAND AND OTHER MATERIAL DEPOSITED OR EMITTED ONTO ANY RIGHT-OF-WAYS NEAR THE SITE SHALL BE REMOVED WITHIN 48 HOURS.
12. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ENSURE THAT ANY DUST CONTROL SYSTEMS AND/OR DEVICES, INCLUDING BUT NOT LIMITED TO WATER APPLICATION SYSTEMS, FILTER REPLACEMENT, OR DAILY REMOVAL OF EXCESS DUST FROM CONTAINMENT AREAS ARE IN PROPER WORKING CONDITIONS PER MANUFACTURER'S REQUIREMENTS OR STANDARD INDUSTRY PRACTICE.
13. MONITORING OF DUST EMISSIONS SHALL BE DONE TO ENSURE COMPLIANCE WITH RELEVANT REGULATORY REQUIREMENTS.
14. CONTRACTOR SHALL MAINTAIN A DAILY DUST CONTROL CHECKLIST AND SHALL PROVIDE TO THE CITY UPON REQUEST TO DOCUMENT COMPLIANCE WITH THESE REQUIREMENTS, AND MAINTAIN AT THE JOB SITE AT ALL TIMES.

1. ANY ACTIVITY INCLUDING, BUT NOT LIMITED TO: PILE DRIVING, EARTHWORK COMPACTION, CONCRETE AND ASPHALT BREAKING WILL NOT TRANSMIT VIBRATIONS TO SENSITIVE RECEPTORS AT OR ABOVE THE FEDERAL TRANSIT ADMINISTRATION (FTA) APPROXIMATE VIBRATION DAMAGE THRESHOLD OF 95 VIBRATION DECIBELS (VDB)
2. FOR ANY ACTIVITY EXCEEDING 80 VDB THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING THE CITY OF DESTIN WITH A VIBRATION MINIMIZATION AND MITIGATION PLAN TO REDUCE IMPACTS TO THE SURROUNDING AREAS.

CONTRACTOR SHALL BE REQUIRED TO COMPLY WITH CONSTRUCTION SCENARIOS ORDINANCE SECTION 6-51 OF DESTIN CODE OF ORDINANCES. SCREENING MATERIAL SHALL BE AN OPAQUE MATERIAL CAPABLE OF ALLOWING AIR TO PASS BUT SEMI-PERVIOUS TO DUST AND DIRT. NO MATERIAL OVER 1/8 INCH SHALL PASS THROUGH THE MESH. SCREENING SHALL BE SECURELY AFFIXED TO THE CONSTRUCTION FENCE. FENCE SCREENING SHALL HAVE A MINIMUM HEIGHT OF 10 FEET AND A MAXIMUM HEIGHT OF 12 FEET. MATERIAL SHALL BE MAINTAINED IN GOOD CONDITION AND TAUT THROUGHOUT THE ALLOTTED PERMIT TERM. SCREENING SHALL BE KEPT SECURE FROM ANY WIND ACTION. IN CASES WHERE FINISHED GRADE OF THE SITE IS HIGHER BY MORE THAN 1 FOOT OR MORE THAN THE GRADE OF THE ADJOINING PROPERTIES, FENCE SHALL BE PLACED AT THE FINISHED GRADE AND NOT EXISTING GRADE. REFER TO ORDINANCE FOR SPECIFIC LANGUAGE.

THE SCREEN MATERIAL SHALL BE MADE OF AN OPAQUE MATERIAL CAPABLE OF ALLOWING AIR TO PASS BUT SEMI-IMPERVIOUS TO DUST AND DIRT. THE SCREENING SHALL BE OF A FINENESS SUCH THAT NO PARTICLES OF 100 MICRONS (1/16") IN SIZE SHALL PASS THROUGH THE MESH. THE SCREENING SHALL BE SECURELY AFFIXED TO THE CONSTRUCTION FENCE. FENCING SHALL HAVE A MINIMUM HEIGHT OF FIVE (5) FEET AND A MAXIMUM HEIGHT OF EIGHT (8) FEET. THE SCREENING MATERIAL SHALL BE MAINTAINED IN GOOD CONDITION AND TAUT THROUGHOUT THE ALLOTTED PERMIT TIME. THE SCREENING MUST BE KEPT SECURE FROM ANY WIND ACTION, IN CASES WHERE THE WIND SPEED IS GREATER THAN THE WIND SPEED HIGHER BY MORE THAN ONE (1) FOOT OR MORE THAN THE GRADE OF THE ADJOINING PROPERTIES, SAID FENCE SCREENING SHALL BE PLACED AT THE FINISHED GRADE AND NOT THE EXISTING GRADE.

1. ALL FIRE DISTRICT REVIEWS WILL BE IN ACCORDANCE WITH THE 5TH EDITION, FLORIDA FIRE PREVENTION CODE, APPROPRIATE FLORIDA STATUTES, FLORIDA ADMINISTRATIVE CODES, AND LOCAL ORDINANCES. SUBMITTALS SHALL COMPLY WITH FLA STATUTE 61G15-32. ALL SUBMITTALS SHALL REFERENCE THE APPROPRIATE CODE EDITIONS.
2. THE FIRE PROTECTION SYSTEM SHALL BE DESIGNED BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER. ALL SUBMITTALS SHALL BE SEALED, SIGNED, AND DATED BY THE ENGINEER OF RECORD. THE ENGINEER OF RECORD SHALL INCLUDE HYDRAULIC CALCULATIONS FOR THE FIRE SPRINKLER SYSTEM. (F.A.C. 61G15-32)
3. THE FIRE ALARM SYSTEM SHALL BE DESIGNED BY A FLORIDA REGISTERED PROFESSIONAL ENGINEER. ALL SUBMITTALS SHALL BE SEALED, SIGNED, AND DATED BY THE ENGINEER OF RECORD. (F.A.C. 61G15-32)
4. A WATER SUPPLY FOR FIRE PROTECTION, EITHER TEMPORARY OR PERMANENT AND ACCEPTABLE TO THE AUTHORITY HAVING JURISDICTION, SHALL BE MADE AVAILABLE PRIOR TO DELIVERY OF COMBUSTIBLE MATERIALS. (NFPA 1: 16.1.4 & 18.3)
5. FIRE DEPARTMENT ACCESS TO AND ON THE SITE SHALL BE MAINTAINED AT ALL TIMES. (2012 NFPA 1: CH.18)
6. THE UNDERGROUND FIRE SERVICE LINE, FROM THE POINT OF SERVICE TO 12" ABOVE THE FINISHED FLOOR, SHALL BE INSTALLED BY A CONTRACTOR LICENSED TO INSTALL THE DEDICATED PORTION OF THE FIRE SERVICE LINE. THE DESIGNATED POINT OF SERVICE SHALL BE APPROVED BY DESTIN FIRE DISTRICT. ONE (1) SET OF DRAWINGS OF THE PLANNED UNDERGROUND AND MATERIAL DATA SHEETS MUST BE SUBMITTED TO THIS OFFICE FOR REVIEW AND APPROVAL PRIOR TO STARTING INSTALLATION. (FL. STATUTE 633.334; NFPA NFPA13 CH.10)
7. A RAPID ENTRY BOX (KNOX BOX) IS REQUIRED. CONTACT DESTIN FIRE DISTRICT PRIOR TO ORDERING.
8. FIRE FIGHTER SAFETY SYMBOLS ARE REQUIRED. (FS 633.027)
9. THE FIRE DISTRICT REQUIRES A COMPLETE ELECTRONIC PACKAGE OF PDF FILES ON A CD OR USB FLASH DRIVE. SUBMITTAL MUST INCLUDE ENGINEERED DRAWINGS OF THE FIRE SPRINKLER AND FIRE ALARM SYSTEM.
10. FIRE SAFETY PUBLIC SAFETY FACILITIES FEES (IMPACT FEES) AND PLAN REVIEW FEES WILL BE ASSESSED WHEN BUILDING PLANS ARE SUBMITTED. ALL FEES MUST BE PAID UPON COMPLETION OF REVIEW.

1. PROPER PERMITTING MUST BE APPLIED FOR AND APPROVED PRIOR TO ANY WORK BEING PERFORMED ON THE SUBJECT PROPERTY.
2. TWO (2) FULL SETS OF SIGNED AND SEALED CONSTRUCTION PLANS AND ONE (1) CD, SPECIFICATIONS, AND RELATED DOCUMENTS (SITE PLAN) AS REQUIRED BY THE FLORIDA BUILDING CODE CHAPTER 630 MUST BE SUBMITTED TO AND BE REVIEWED BY THE BUILDING DIVISION PRIOR TO ISSUANCE OF A PERMIT.
3. PLANS SHALL BE BASED ON THE FOLLOWING CODES (AS APPLICABLE) AND NOTED ON THE CONSTRUCTION DRAWINGS INFORMATIONAL PAGE: 2020 FLORIDA BUILDING CODE, 2020 FLORIDA FIRE PREVENTION CODE, AND 2020 NATIONAL ELECTRICAL CODE. THE FOLLOWING MINIMUM INFORMATION WILL BE REQUIRED AS APPLICABLE: CONSTRUCTION TYPE, OCCUPANCY CLASSIFICATION, OCCUPANCY LOAD, MEAN ROOF HEIGHT AND PITCH, BUILDING AREA, AREA MODIFICATION, FIRE PROTECTION - SPRINKLED/NON-SPRINKLED, ULTIMATE WIND SPEED - RISK CATEGORY, MINIMUM DESIGN WIND PRESSURE COEFFICIENT, DESIGN LOAD BEARING VALUE OF SOILS. FOR A COMPLETE LIST OF MINIMUM PLAN REVIEW CRITERIA SEE 107.3.4 FBC.
4. DESTIN FIRE CONTROL DISTRICT APPROVAL LETTER BASED ON FINAL CONSTRUCTION DOCUMENTS PRIOR TO ISSUANCE OF A PERMIT.

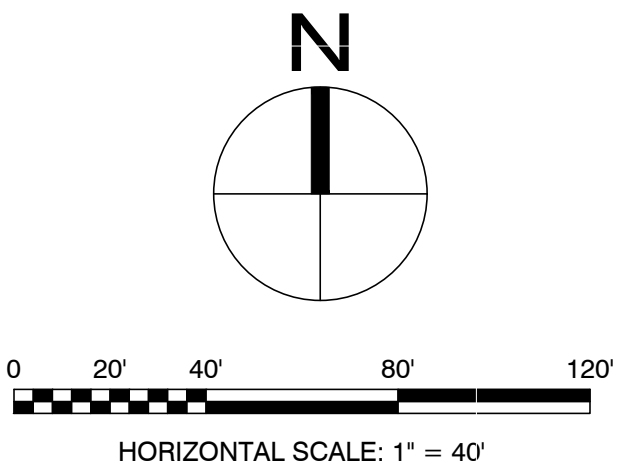
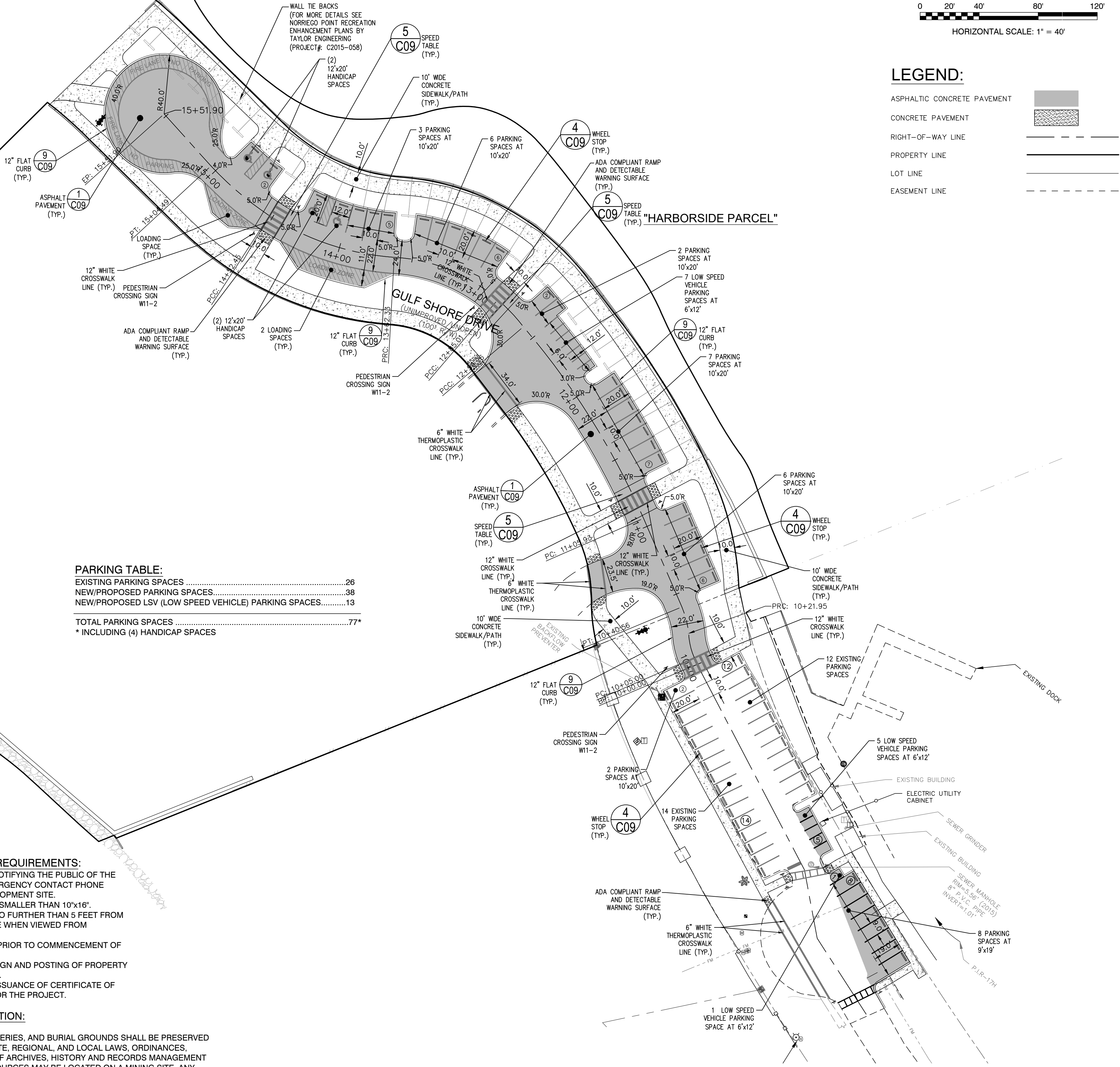
1. DEVELOPMENT SHALL PROVIDE A POSTED SIGN NOTIFYING THE PUBLIC OF THE NAME, AND 24 HOURS A DAY, 7 DAYS A WEEK EMERGENCY CONTACT PHONE NUMBER OF THE PARTY RESPONSIBLE FOR DEVELOPMENT SITE.
2. SIGN SHALL BE NO LARGER THAN 18"x24" AND NO SMALLER THAN 10"x16".
3. SIGN SHALL BE PROMINENTLY PLACED ON SITE, NO FURTHER THAN 5 FEET FROM ADJACENT RIGHT-OF-WAY, AND SHALL BE LEGIBLE WHEN VIEWED FROM RIGHT-OF-WAY.
4. SIGN SHALL BE PLACED AT EXPENSE OF OWNER, PRIOR TO COMMENCEMENT OF CONSTRUCTION.
5. OWNER SHALL PROVIDE CITY WITH A PHOTO OF SIGN AND POSTING OF PROPERTY AFFIDAVIT WITHIN 7 DAYS OF SIGN BEING POSTED.
6. SIGN SHALL BE REMOVED WITHIN 5 DAYS AFTER ISSUANCE OF CERTIFICATE OF OCCUPANCY OR CERTIFICATE OF COMPLETION FOR THE PROJECT.

ARCHAEOLOGICAL AND HISTORICAL SITES, CEMETERIES, AND BURIAL GROUNDS SHALL BE PRESERVED IN ACCORDANCE WITH APPLICABLE FEDERAL, STATE, REGIONAL, AND LOCAL LAWS, ORDINANCES, RULES, AND REGULATIONS. THE STATE DIVISION OF ARCHIVES, HISTORY AND RECORDS MANAGEMENT SHALL BE CONSULTED TO DETERMINE WHAT RESOURCES MAY BE LOCATED ON A MINING SITE. ANY ARCHAEOLOGICAL ARTIFACTS FOUND DURING EXCAVATION SHALL BE SUBJECT TO THE ARCHAEOLOGICAL PROVISIONS OF THE CITY OF DESTIN COMPREHENSIVE PLAN.

1. PRIOR TO OBTAINING ANY CITY OF DESTIN PERMITS, DEVELOPER/CONTRACTOR SHALL OBTAIN AN FDP NPDES PERMIT AND SUBMIT A COPY TO THE PUBLIC SERVICES DIRECTOR.
2. THE DEVELOPER/OWNER, ENGINEER OF RECORD, AND CONTRACTOR SHALL MAKE THEMSELVES FAMILIAR WITH THE CODES LOCATED IN CHAPTER 5 (TRANSPORTATION) OF THE CITY OF DESTIN LAND DEVELOPMENT CODE, AND COMPLY WITH THE CODES PRIOR TO OBTAINING A CERTIFICATE OF OCCUPANCY.
3. THE DEVELOPER/OWNER, ENGINEER OF RECORD, AND CONTRACTOR SHALL MAKE THEMSELVES FAMILIAR WITH THE CODES LOCATED IN CHAPTER 11 09-00 (ILLICIT DISCHARGE) OF THE CITY OF DESTIN LAND DEVELOPMENT CODE, AND COMPLY WITH THE CODES PRIOR TO OBTAINING A CERTIFICATE OF OCCUPANCY.

ALL PAVEMENT STRIPING WITHIN PUBLIC RIGHT-OF-WAY SHALL BE THERMOPLASTIC STRIPING IN ACCORDANCE WITH THE MATERIALS, EQUIPMENT, APPLICATIONS, AND APPROVAL/CERTIFICATIONS LISTED IN SECTION 711 OF THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, JULY 2020 OR LATEST AVAILABLE EDITION. ALL STRIPING WITHIN RIGHT-OF-WAY SHALL BE THERMOPLASTIC STRIPING.

DRIVE AISLES AND ROADWAYS SHALL BE 2.5" HEAVY DUTY PAVEMENT IN ACCORDANCE WITH RECOMMENDATIONS PROVIDED IN SOUTHERN EARTH SCIENCES REPORT, PROJECT NUMBER P17-0638, DATED DECEMBER 22, 2017. PARKING SPACES SHALL BE STANDARD DUTY 2" PAVEMENT IN ACCORDANCE WITH THE SAME DOCUMENT. PAVEMENT DETAILS ARE SHOWN ON SHEET C11.



ASPHALTIC CONCRETE PAVEMENT	
CONCRETE PAVEMENT	
RIGHT-OF-WAY LINE	
PROPERTY LINE	
LOT LINE	
EASEMENT LINE	



JENKINS ENGINEERING, INC.

73 EGLIN PARKWAY NE, SUITE 203
 FORT WORTH, TEXAS, FLORIDA 32548
 PHONE (850) 837-2448
 FAX (850) 837-2450

JE@CIVIL.COM

CITY OF DESTIN	REV	DATE	DESCRIPTION	BY
GULF SHORE DRIVE EXTENSION CITY OF DESTIN, FLORIDA	***	***	***	***
SITE PLAN				

JOB: 22-03

DATE: 05-09-22

DESIGNED: MZ/MS

DRAWN: MS

NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

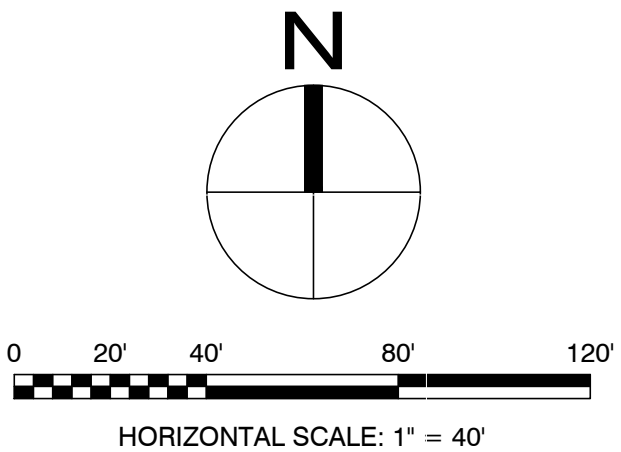
BAR IS ONE INCH ON ORIGINAL 1"

IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
04 OF 12

SHEET NUMBER

C04



PROPERTY LINE

EX. GRADE CONTOUR ('1' INTERVALS)

FINISHED GRADE CONTOUR

FINISHED GRADE SPOT ELEVATION

CROSS SECTION LOCATION
SHOWING DRAWING NUMBER
AND PAGE NUMBER

SILT FENCE LOCATION

EROSION CONTROL

- ### EROSION NOTES:
1. EROSION PROTECTION: SOIL EROSION SEDIMENTATION MUST BE CONTROLLED AND RETAINED ON SITE DURING CONSTRUCTION. THEREFORE, EROSION PROTECTION, SUCH AS STAKED BALED YAW AND SILT FENCE BARRIERS, MUST BE INSTALLED PRIOR TO START OF CONSTRUCTION.
 2. SILT FENCE BARRIER SHALL BE INSTALLED AS SHOWN ON PLANS, AND IN ALL AREAS SUBJECT TO SOIL EROSION SEDIMENTATION.
 3. STORMWATER DETENTION BANKS TO THE NORMAL POOL ELEVATION SHALL BE SODDED.
 4. GRADES AT CURBS ARE AT FLOWLINE.
 5. SILT FENCE TO BE CONSTRUCTED AND MAINTAINED AROUND ALL INLETS; ALSO ACROSS ALL COURSE AT EDGE OF SITE AND AT 150' INTERVALS.
 6. DEVELOPER OR THEIR DESIGNATED CONTRACTOR SHALL OBTAIN NPDES NOTICE OF INTENT (NOI) PERMIT AND CREATE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) PRIOR TO COMMENCEMENT OF CONSTRUCTION.

DEVELOPER OR THEIR DESIGNATED CONTRACTOR SHALL PROVIDE COPIES OF NPDES NOTICE OF INTENT (NOI) AND STORMWATER POLLUTION PREVENTION PLAN (SWPPP) TO WALTON COUNTY DEVELOPMENT ORDER INSPECTOR PRIOR TO COMMENCEMENT OF CONSTRUCTION.

HOMEOWNER'S ASSOCIATION SHALL BE ESTABLISHED AS THE OPERATION AND MAINTENANCE ENTITY FOR THE PROPOSED STORMWATER TREATMENT SYSTEMS. UNTIL SUCH TIME THAT ASSOCIATION IS ESTABLISHED IN ACCORDANCE WITH NWFWD REQUIREMENTS, DEVELOPER SHALL REMAIN MAINTENANCE ENTITY.

[illegible]

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

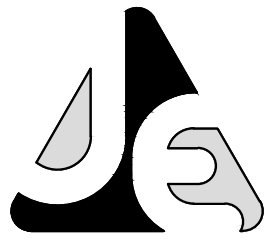
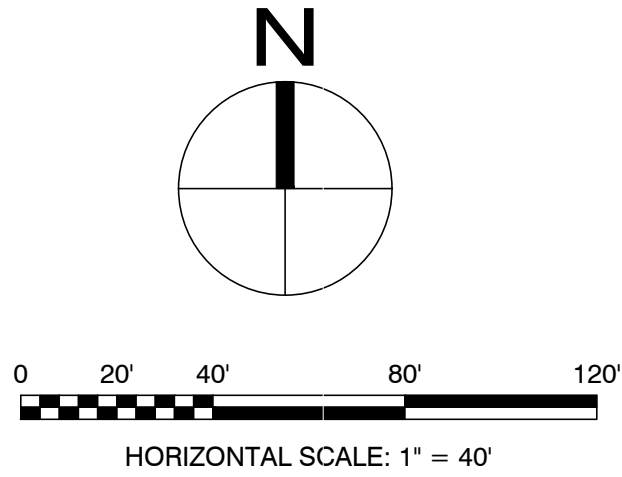
GRADING & DRAINAGE PLAN
NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

JOB: 22-03
DATE: 05-09-22
DESIGNED: MZ/MS
DRAWN: MS

BAR IS ONE INCH ON ORIGINAL
0  1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
05 OF 12

SHEET NUMBER
C05



JENKINS ENGINEERING, INC.

73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

JEICIVIL.COM

[illegible]

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION

CITY OF DESTIN, FLORIDA

UTILITY PLAN

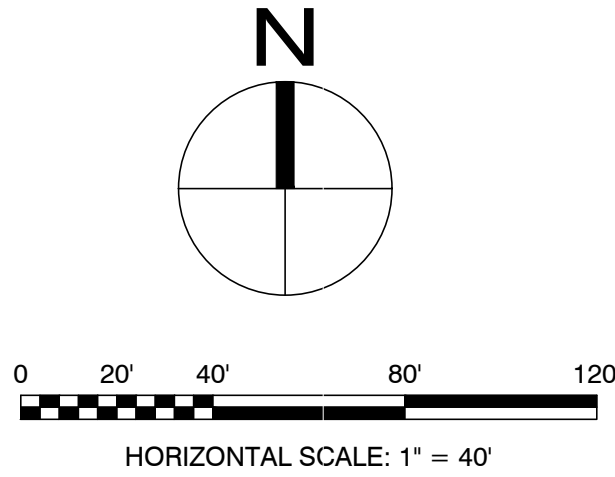
NOT VALID UNLESS BEARING ENGINEERS' ORIGINAL SIGNATURE

JOB: 22-03
DATE: 05-09-22
DESIGNED: MZ/MS
DRAWN: MS

BAR IS ONE INCH ON ORIGINAL
0 1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
06 OF 12

SHEET NUMBER
C06



73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

JEICIVIL.COM

[illegible]

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

UTILITY SLEEVE EXHIBIT

NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

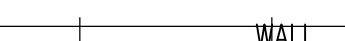
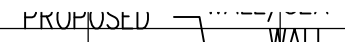
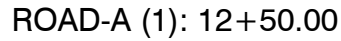
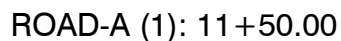
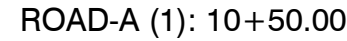
JOB: 22-03
DATE: 05-09-22
DESIGNED: MZ/MS
DRAWN: MS

BAR IS ONE INCH ON ORIGINAL

IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
07 OF 12

SHEET NUMBER
C07



(HORIZONTAL SCALE: 1" = 20'
(VERTICAL SCALE: 1" = 2')

JENKINS ENGINEERING, INC.

73 EGLIN PARKWAY NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

JEICIVIL.COM

DESCRIPTION

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

ROAD PROFILE & CROSS-SECTIONS

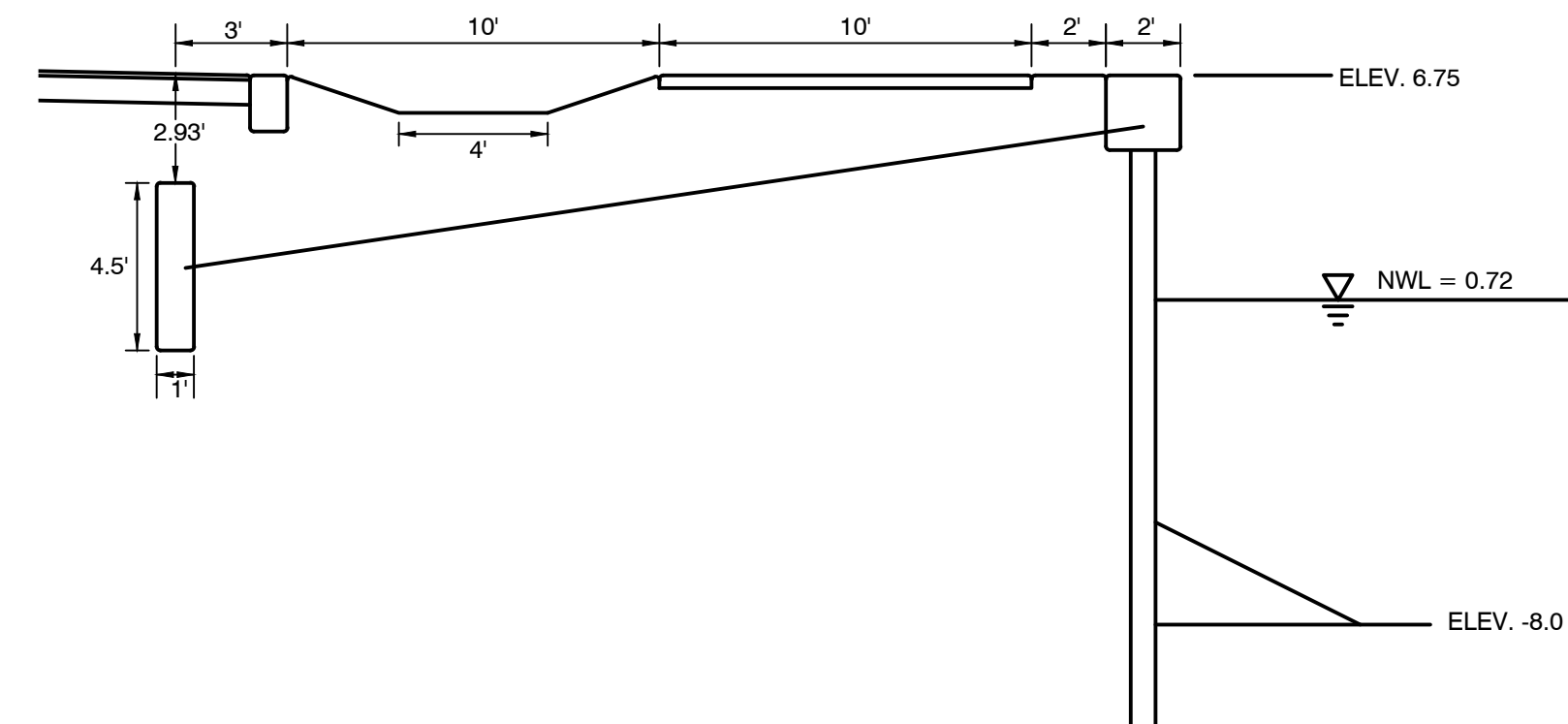
NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

JOB:	22-03
DATE:	05-09-22
DESIGNED:	MZ/MS
DRAWN:	MS

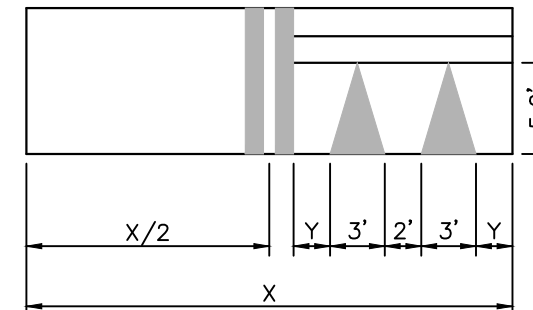
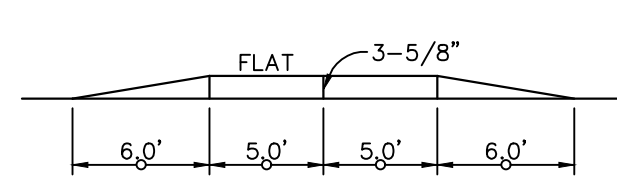
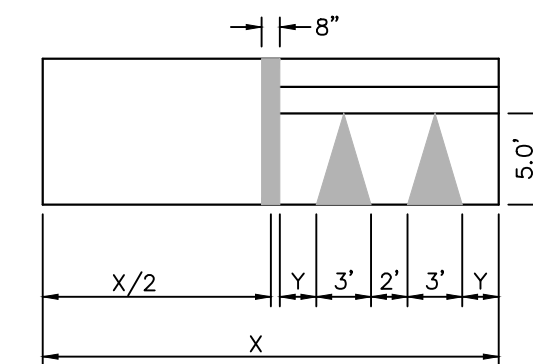
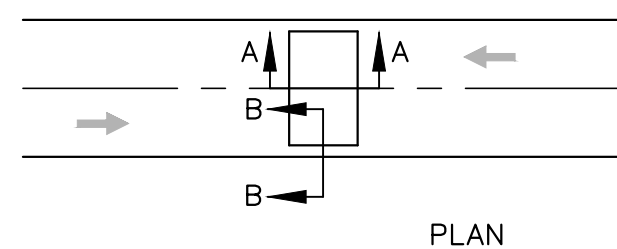
BAR IS ONE INCH ON ORIGINAL
0 1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
08 OF 12

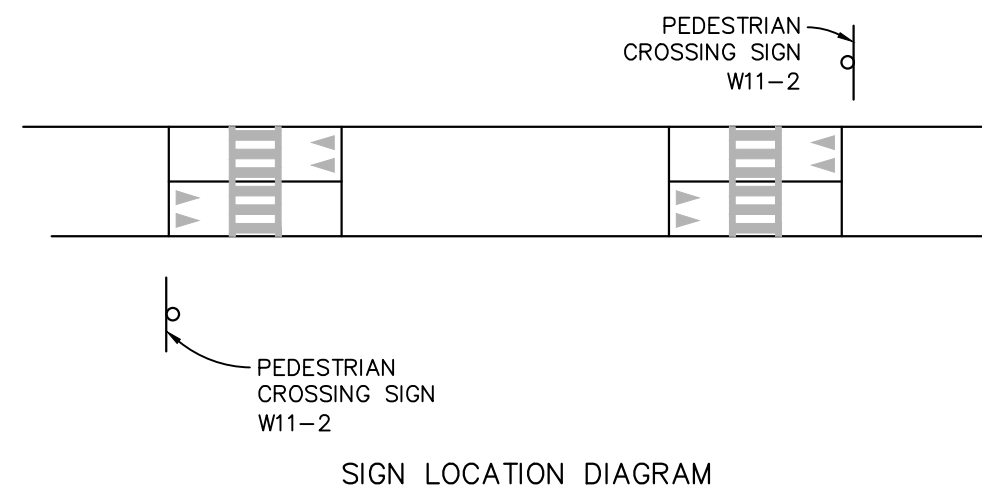
SHEET NUMBER
C08



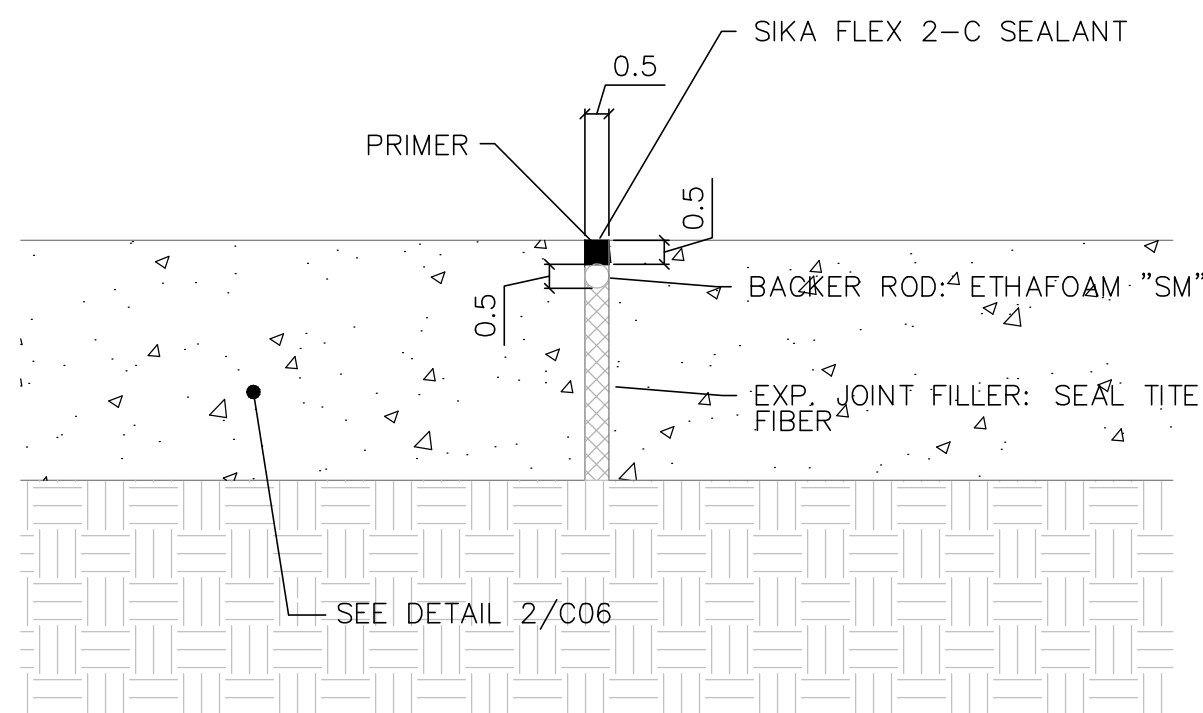
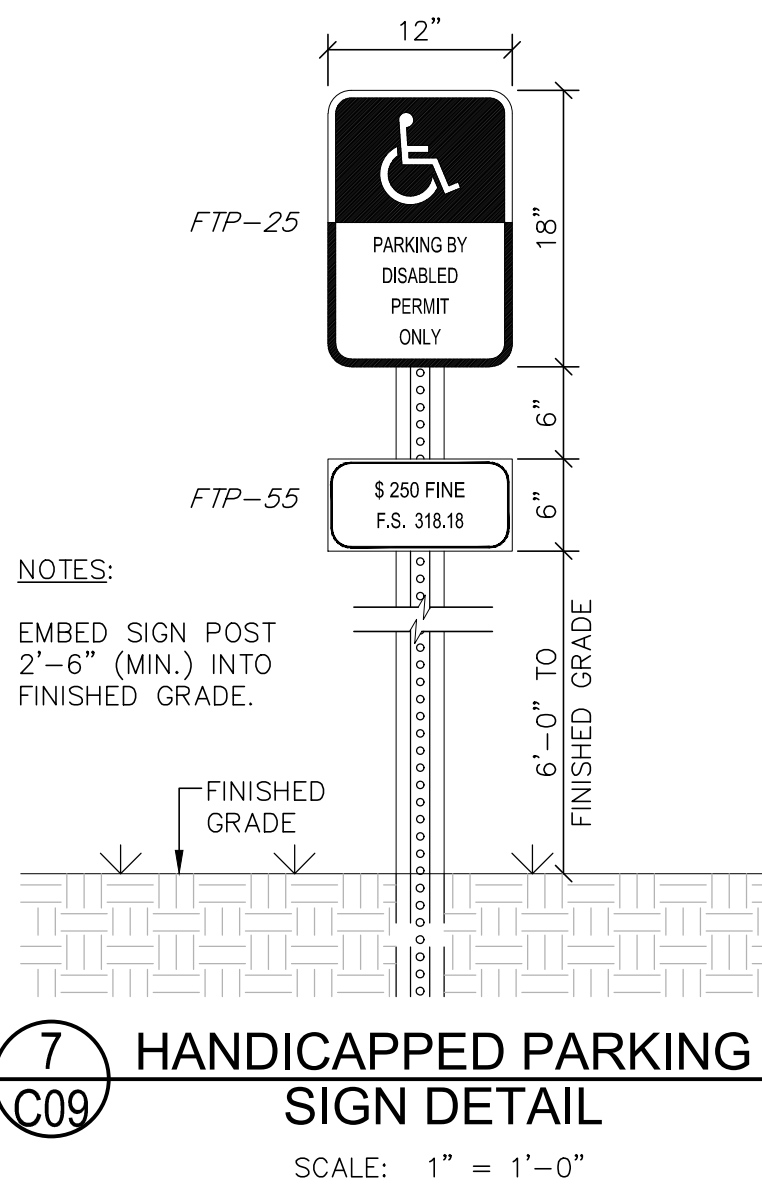
2 CONCRETE PAVEMENT SECTION
C09 N.T.S.



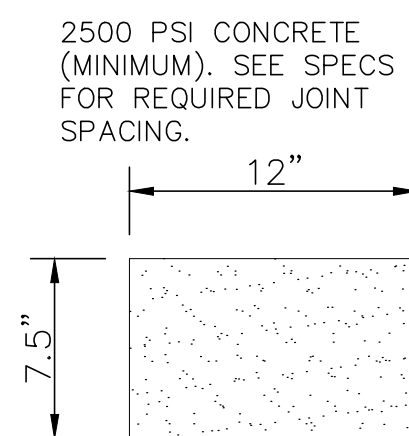
PAINT SPECIFICATION
FOR ROADS WITH CENTERLINE
MATCH EXISTING WIDTHS AND SPACING



**5 SPEED TABLE WITH
C09 PAINT DETAIL**
N.T.S.



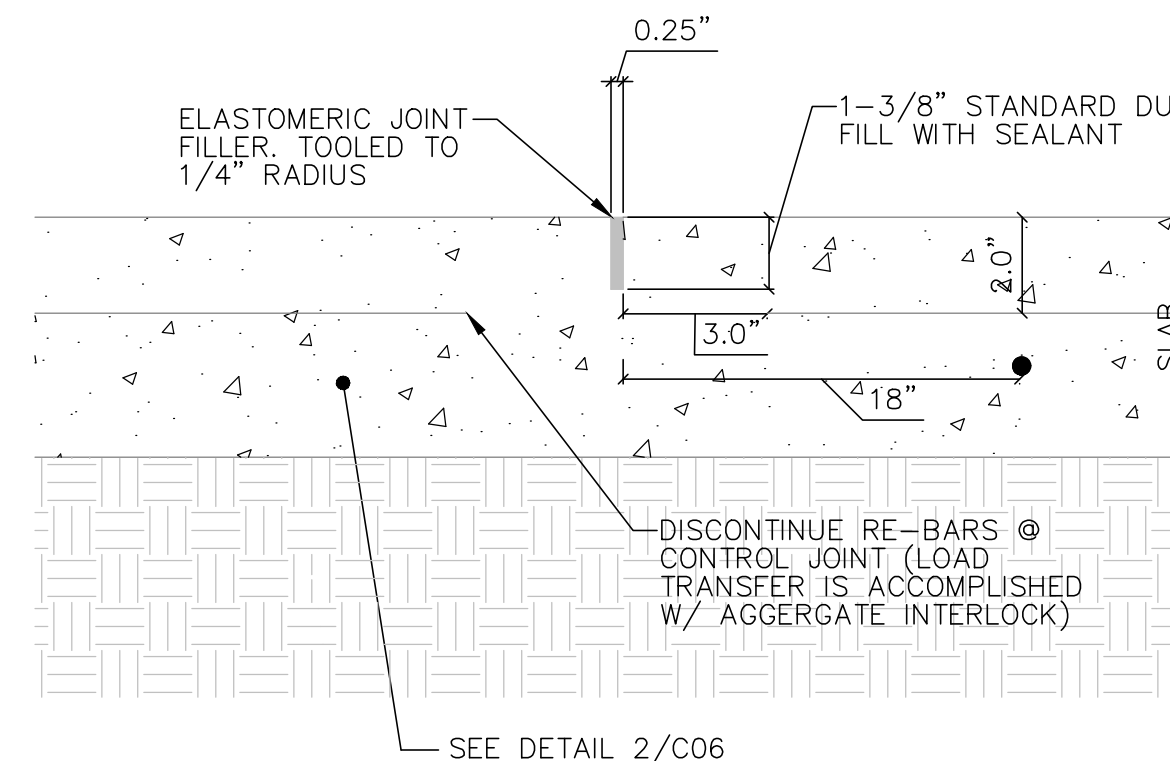
- 1) MASK SURFACE WITH DUCT TAPE DURING INSTALLATION OF PRIMER AND SEALANT REMOVE WHEN SEALANT HAS SET.
- 2) EXPANSION JOINTS ARE REQUIRED WHEN ABUTTING EXISTING OR SEPARATELY POURED RIGID CONCRETE/STRUCTURES.



9
C09

12" FLAT CURB

SCALE: 1-1/2" = 1'-0"



10 TYPICAL CONTROL JOINT SECTION
C09 SCALE: 3" = 1'-0"

CONTROL JOINT GUIDELINES:

1. LONG DIMENSION SHOULD NOT EXCEED 1 1/2 TIMES SHORT DIMENSION.
2. JOINT PATTERN SHOULD LINE UP WITH EDGE OF BUILDING WALK, CENTERLINE OF ISLANDS, AND OTHER FEATURES. ADJUST DISTANCES BETWEEN JOINTS TO FIT WITH MAXIMUM DISTANCE OF 15 FEET.
3. NO "L-SHAPED" SLABS ARE ALLOWED
4. NO "PIE SHAPED" SLABS ARE ALLOWED.
5. JOINT MATERIAL SHOULD TIE INTO CURVED FEATURES ALONG THE RADIUS EXTENDED.
6. MAXIMUM CONTROL JOINT SPACING IS 10'x10' FOR STANDARD DUTY PAVEMENT AND 12'x12' FOR HEAVY DUTY PAVEMENT.
7. BUILDING SIDEWALK, PARKING AREAS AND VEHICULAR USE AREAS ARE TO BE SEPARATE POURS.

		JENKINS ENGINEERING, INC. 73 EGLIN PARKWAY NE, SUITE 203 FORT WALTON BEACH, FLORIDA 32548 PHONE 850.637.2448 FAX 850.637.2450		JEICIVIL.COM	
CITY OF DESTIN GULF SHORE DRIVE EXTENSION CITY OF DESTIN, FLORIDA	JOB: 22-03 DATE: 05-09-22 DESIGNED: MZ/MS DRAWN: MS	REV# DATE BY	DESCRIPTION	BY	
		REV# DATE BY	DESCRIPTION	BY	
BAR IS ONE INCH ON ORIGINAL 0" = 1" IF NOT ONE INCH ON THIS SHEET ADJUST SCALES ACCORDINGLY		DRAWING NUMBER SHEET OF 12 C09			

LAST REVISION
11/01/20

DESCRIPTION

FDOT

FY 2021-22
STANDARD PLANS

SINGLE COLUMN GROUND SIGNS

INDEX
700-010

SHEET
1 of 10

ALUMINUM SOIL PLATE DETAIL

DETAIL "B"

CONCRETE/STUB DETAIL
(Traffic Separator)

DRIVEN POST DETAIL
(Frangible Post In Through Sidewalk Shown
Installations without Sidewalk Similar)

DRIVEN POST, CONCRETE/STUB, AND SOIL PLATE DETAILS

LAST REVISION
11/01/20

DESCRIPTION

FDOT

FY 2021-22
STANDARD PLANS

SINGLE COLUMN GROUND SIGNS

INDEX
700-010

SHEET
5 of 10

STEP 1: Calculate the area and the centroid for an individual sign or a sign cluster. Note that the centroid and areas have been calculated for frequently used sign clusters. These are shown on sheets 7, 8, and 9.

Centroid

Area

Centroid

Area

Size
a x b
(in. x in.)

Area
(in.²)

Centroid
X_c
(in.)

Centroid
Y_c
(in.)

X_c x A_c
(in.³)

Y_c x A_c
(in.³)

1	21 x 15	7.5	-10.5+1.5+1.5 = -13.5	7.5	315	-4,252.5	2,362.5
2	21 x 15	7.5	10.5+1.5+1.5 = 13.5	7.5	315	+4,252.5	2,362.5
3	24 x 24	12	-12+1.5 = -13.5	15+1+2 = 28	396	-7,776	18,144
4	24 x 24	12	12+1.5 = 13.5	15+1+2 = 28	396	+7,776	18,144
5	24 x 12	6	-12+1.5 = -13.5	15+1+2+1+6 = 47	288	-3,888	15,536
6	24 x 12	6	12+1.5 = 13.5	15+1+2+1+6 = 47	288	+3,888	15,536
TOTALS				2,218	-1,890	60,133	

$\Sigma(A_c X_c) = 2,218 \text{ in}^3 = 15.4 \text{ ft}^3$

$\Sigma(A_c Y_c) = -1,890 \text{ in}^3 = -1.09 \text{ ft}^3$

$X_c = \frac{\Sigma(A_c X_c)}{\Sigma A_c} = -0.1 \text{ ft}$

$Y_c = \frac{\Sigma(A_c Y_c)}{\Sigma A_c} = 2.26 \text{ ft}$

STEP 2: Determine the height "H" from groundline to the centroid of the individual sign or sign cluster.
Assume: "W" = 1 ft, "C" = 7 ft.
Calculated: $X_c = -0.1 \text{ ft}$, $Y_c = 12.26 \text{ ft}$.
 $H = "W" + "C" + "Y_c" = 10.26 \text{ ft}$ ==> **USE 11 ft**, $\Sigma(A_c H) = 15.4 \text{ ft}^3$ ==> **USE 16 ft**

STEP 3: Refer to the Aluminum Column (Post) Selection Tables and find the intersection point. See Sheet 3.

ALUMINUM COLUMN (POST) SELECTION TABLE

For "H" = 11 ft., Area = 16 ft.²

Refer to the Aluminum Column (Post) Selection Table from Sheet 3 and shown here for reference.

To determine the required post size, find the intersection of the row labeled "H" and the column labeled "A" for the example the intersection value is "C".

In the Column (Post) and Foundation Table, the value "H" shows the design requires a 4" diameter and 1/2" thick Aluminum Column (Post) and a 1.0' diameter and 3.5' deep Concrete Foundation and 3.0' Stub.

Column (Post) Size	Foundation	Stub	Area	Weight	Wind Load	Seismic Load	Notes
4" x 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 3/4"	1.0' dia	3.0'	16	10	10	10	
4" x 1"	1.0' dia	3.0'	16	10	10	10	
4" x 1 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 1 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 2"	1.0' dia	3.0'	16	10	10	10	
4" x 2 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 2 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 3"	1.0' dia	3.0'	16	10	10	10	
4" x 3 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 3 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 4"	1.0' dia	3.0'	16	10	10	10	
4" x 4 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 4 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 5"	1.0' dia	3.0'	16	10	10	10	
4" x 5 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 5 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 6"	1.0' dia	3.0'	16	10	10	10	
4" x 6 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 6 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 7"	1.0' dia	3.0'	16	10	10	10	
4" x 7 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 7 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 8"	1.0' dia	3.0'	16	10	10	10	
4" x 8 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 8 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 9"	1.0' dia	3.0'	16	10	10	10	
4" x 9 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 9 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 10"	1.0' dia	3.0'	16	10	10	10	
4" x 10 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 10 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 11"	1.0' dia	3.0'	16	10	10	10	
4" x 11 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 11 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 12"	1.0' dia	3.0'	16	10	10	10	
4" x 12 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 12 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 13"	1.0' dia	3.0'	16	10	10	10	
4" x 13 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 13 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 14"	1.0' dia	3.0'	16	10	10	10	
4" x 14 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 14 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 15"	1.0' dia	3.0'	16	10	10	10	
4" x 15 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 15 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 16"	1.0' dia	3.0'	16	10	10	10	
4" x 16 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 16 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 17"	1.0' dia	3.0'	16	10	10	10	
4" x 17 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 17 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 18"	1.0' dia	3.0'	16	10	10	10	
4" x 18 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 18 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 19"	1.0' dia	3.0'	16	10	10	10	
4" x 19 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 19 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 20"	1.0' dia	3.0'	16	10	10	10	
4" x 20 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 20 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 21"	1.0' dia	3.0'	16	10	10	10	
4" x 21 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 21 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 22"	1.0' dia	3.0'	16	10	10	10	
4" x 22 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 22 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 23"	1.0' dia	3.0'	16	10	10	10	
4" x 23 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 23 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 24"	1.0' dia	3.0'	16	10	10	10	
4" x 24 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 24 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 25"	1.0' dia	3.0'	16	10	10	10	
4" x 25 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 25 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 26"	1.0' dia	3.0'	16	10	10	10	
4" x 26 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 26 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 27"	1.0' dia	3.0'	16	10	10	10	
4" x 27 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 27 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 28"	1.0' dia	3.0'	16	10	10	10	
4" x 28 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 28 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 29"	1.0' dia	3.0'	16	10	10	10	
4" x 29 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 29 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 30"	1.0' dia	3.0'	16	10	10	10	
4" x 30 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 30 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 31"	1.0' dia	3.0'	16	10	10	10	
4" x 31 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 31 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 32"	1.0' dia	3.0'	16	10	10	10	
4" x 32 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 32 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 33"	1.0' dia	3.0'	16	10	10	10	
4" x 33 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 33 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 34"	1.0' dia	3.0'	16	10	10	10	
4" x 34 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 34 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 35"	1.0' dia	3.0'	16	10	10	10	
4" x 35 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 35 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 36"	1.0' dia	3.0'	16	10	10	10	
4" x 36 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 36 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 37"	1.0' dia	3.0'	16	10	10	10	
4" x 37 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 37 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 38"	1.0' dia	3.0'	16	10	10	10	
4" x 38 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 38 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 39"	1.0' dia	3.0'	16	10	10	10	
4" x 39 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 39 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 40"	1.0' dia	3.0'	16	10	10	10	
4" x 40 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 40 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 41"	1.0' dia	3.0'	16	10	10	10	
4" x 41 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 41 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 42"	1.0' dia	3.0'	16	10	10	10	
4" x 42 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 42 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 43"	1.0' dia	3.0'	16	10	10	10	
4" x 43 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 43 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 44"	1.0' dia	3.0'	16	10	10	10	
4" x 44 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 44 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 45"	1.0' dia	3.0'	16	10	10	10	
4" x 45 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 45 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 46"	1.0' dia	3.0'	16	10	10	10	
4" x 46 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 46 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 47"	1.0' dia	3.0'	16	10	10	10	
4" x 47 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 47 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 48"	1.0' dia	3.0'	16	10	10	10	
4" x 48 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 48 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 49"	1.0' dia	3.0'	16	10	10	10	
4" x 49 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 49 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 50"	1.0' dia	3.0'	16	10	10	10	
4" x 50 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 50 1/2"	1.0' dia	3.0'	16	10	10	10	
4" x 51"	1.0' dia	3.0'	16	10	10	10	
4" x 51 1/4"	1.0' dia	3.0'	16	10	10	10	
4" x 51 1/2"	1.0' dia	3.0'	16	10	10		

1 SPECIFICATION: CLEARING AND GRUBBING

All site Clearing and Grubbing shall be in accordance with section 110 of the "Florida Department of Transportation Specifications for Road and Bridge Construction" unless modified herein. This work shall be performed in the following areas:

- All street rights-of-way.
- All areas where excavation or embankment are to take place.
- Detention areas.

In addition, certain other areas where underground utilities are to be installed are to be cleared and grubbed to the extent necessary to properly install the utilities. Such work shall be incidental to the contract unit price for the utility to be installed.

1.1 SCOPE:

Site clearing work includes, but is not limited to:

- Removal of trees and other vegetation.
- Topsoil stripping.
- Clearing and grubbing.
- Removing above grade improvements.
- Removing below grade improvements.

1.2 JOB CONDITIONS:

Traffic: Conduct site clearing operations to ensure minimum interference with roads, streets, walks, and other adjacent occupied or used facilities. Do not close or obstruct streets, walks, or other occupied or used facilities without permission from the Owners and/or Local approving authority.

Clearing and Protection in Construction Areas: Preserve trees 6 inches or larger measured breast height (6"dbh) where possible within construction area.

Protection of Existing Improvements: Provide protection necessary to prevent damage to existing improvements indicated to remain in place.

Protect improvements on adjoining properties and on project site.

Restore damaged improvements to original condition as acceptable to the Owner.

1.3 LIMITATIONS:

Clearing will be limited to the extent necessary to allow for construction of the proposed improvements as a result of:

- Need for access to the project site for construction equipment.
- Essential grade changes.
- Surface water drainage and utility installation.
- Location of driveways, buildings, and required parking.

1.4 CLEARING AND GRUBBING:

Remove trees, shrubs, grass, other vegetation, improvements, or obstructions interfering with the installation of new construction. Removal includes digging out stumps and roots. Do not remove items elsewhere on site or premises unless specifically indicated. Disposal of trees, limbs, stumps, and debris shall be the responsibility of the Contractor.

Strip topsoil to whatever depths encountered to prevent intermingling with underlying subsoil or other objectionable material. Cut heavy growths of grass from areas before stripping.

Stockpile topsoil in storage piles in areas shown or where directed by the Owner. Construct storage piles to freely drain surface water. Cover storage piles if required to prevent windblown dust.

Dispose of unsuitable or excess topsoil same as specified for waste material.

1.5 FILLING:

Fill depressions caused by clearing and grubbing operations with satisfactory soil material, unless further excavation or earthwork is indicated.

Place fill material in horizontal layers not exceeding 6" loose depth, and thoroughly compact to density equal to adjacent ground, unless otherwise shown on the plans.

1.6 REMOVAL OF IMPROVEMENTS:

Remove existing above and below grade improvements and abandoned underground piping or conduit necessary to permit construction and other work.

1.7 DISPOSAL OF WASTE MATERIALS:

No burning of any material, debris, or trash will be allowed.

Remove waste materials from project site on a daily basis, and dispose of off-site in an approved area.

2 SPECIFICATION: EXCAVATION, EMBANKMENT AND SUBGRADE

2.1 EXCAVATION, EMBANKMENT AND SUBGRADE:

Section 120 of the Florida D.O.T. Specification. All subgrade fill material, and the top 12 inches in cut area, shall be compacted to 100 percent of maximum density as determined to AASHTO T-99. The Subgrade Compaction (Stabilization) shall conform to Section 160 of the Florida D.O.T. Specifications. In most cases this will consist of compacting existing cleaned soil. However, it is the Contractor's responsibility to assure that the finished roadbed section meets bearing value requirements, regardless of the quantity of stabilizing materials to be added. One field density test shall be taken for each 5000 square feet or fraction thereof.

Where required subgrade density cannot be obtained, unsuitable material shall be removed so that the road base will be constructed on a minimum of 3 feet of suitable, properly compacted material. This work shall be included in the contract lump sum price for earth excavation.

2.2 SOIL CEMENT BASE:

The detailed specifications of the soil cement base course are to be determined by an independent testing laboratory after testing of the material the Contractor proposes to use. Moisture and cement content will be specified by the laboratory. However, as a guide for bid purposes, estimate 12% cement by weight and include a price reduction schedule if tests show less cement is required. The soil cement mix will be at optimum moisture content, i.e., neither mushy nor dry, but containing sufficient moisture to make a firm case when squeezed in the hand. Water should not appear on the hand when so squeezed. This requires 5 to 6 gallons per square yard but actual quantity of water to be added will depend on latent moisture in the base material. From a practical standpoint, the highest moisture content should be maintained that permits packing and finishing without surface checking, showing or rutting during compaction and finishing operations.

The freshly compacted and finished soil-cement mix must be adequately cured. An application of bituminous material such as RC-2, MC-3, RT-5 or asphaltic emulsion at a rate of 0.15 to 0.20 gal per square yard is preferred as the curing medium. Waterproof paper or moist hay is acceptable if properly maintained.

2.3 SAND-CLAY BASE COURSE:

The following tests shall be performed prior to placing the material on the roadbed:

Composition and gradation	Percent of material passing the 10 mesh sieve
• Clay (material smaller than 0.005mm)	8 to 21
• Silt (material from 0.005 to 0.005mm)	4 to 10
• Combined clay and silt	8 to 25
• Limerock Bearing Ration Value (LBR)	Not less than 75
• Liquid Limit	Not greater than 25
• Plasticity Index	Not greater than 6

The results of these tests shall be submitted to the engineer for approval. The base course shall be compacted to not less than 98 percent of the maximum density as determined by AASHTO T-180. One density test shall be taken for each 5000 square feet or fraction thereof.

CONTINUED ON NEXT COLUMN

Note: Sand Clay base material shall not be used in areas where the seasonal high groundwater table is within two (2) feet of the bottom of the base material.

2.4 LIMEROCK BASE COURSE:

Shall be constructed in accordance with Section 200 of the Florida D.O.T. Specifications for Road and Bridge Construction. The material shall meet the requirements of Section 911 of the Specifications. Tests necessary to determine compliance with Section 911 shall be performed prior to placing the material on the subgrade. These tests include:

Test	Requirement
• Liquid Limit	Less than 35
• Plastic Index	Non-Plastic
• Gradation	97% passing 3.5 inch sieve
• Limerock Bearing Ratio	Not less than 100

The results of these tests shall be submitted to the engineer for approval. After approval of the material, the limerock base course shall be placed in accordance with Section 200. The base course shall be compacted to not less than 98 percent of the maximum density as determined by AASHTO T-180. A minimum of three density tests shall be made on each days compaction operations. More frequent tests shall be made as deemed necessary by the Engineer. The base shall be installed to a compacted thickness as shown on the plans, plus or minus one half inch. Deviations from this specification shall be corrected as indicated in the State Specifications.

2.5 GRADED AGGREGATE BASE COURSE:

Shall comply with the requirements of Section 204 of the Florida D.O.T. Specifications. Tests necessary to determine compliance with Section 204 shall be performed prior to placing the material. These tests include:

- Soundness Loss, Sodium, Sulfate: AASHTO T-104.
- Percent Wear: AASHTO T-96 (Grading A).
- Sieve Analysis.
- Limerock Bearing Ratio Value.

The results of these tests shall be submitted to the engineer for approval. After the approval of the material, the graded aggregate base course shall be placed in accordance with Section 204. The base course shall be compacted to a density of not less than 100 percent of the maximum density as determined by AASHTO T-180. At least three density tests shall be made on each day's final compaction operation of each course, and the density determinations shall be made at more frequent intervals if deemed necessary by the Engineer.

2.6 ASPHALT BASE COURSE:

Shall comply with the requirements of Sections 280, 330, 331 and 916 of the Florida D.O.T. Specifications. The design mix for Asphaltic Base Course Type 3 shall conform to the requirements in Tables 331-1 and 331-2. The minimum Marshall stability shall be 1000 lbs./sq. in. as indicated in Table 331-2. Percent bitumen by weight of total mix: 5.0 (minimum). Two copies each of the actual design mix shall be submitted to the Engineer. Written approval of the Asphalt base course design mix must be obtained from the engineer prior to commencing base course construction. Once the design mix has been approved by the engineer, sieve analysis tolerances indicated in Table 331-5 are allowable during construction. If sieve analysis values fall outside these tolerances, design mix must be resubmitted for acceptance. After the approval of the mix design, the Asphalt base course shall be placed in accordance with Section 280 and compacted in accordance with Section 330-10.

NOTE: STORMWATER DRAINAGE SHALL BE CONTROLLED DURING ALL PHASES OF CONSTRUCTION.

3 SPECIFICATION: ASPHALT CONCRETE PAVING

3.1 SCOPE:

This section includes materials and work required for installation of flexible asphaltic concrete pavement for parking and drive areas shown on the plans.

3.2 APPLICABLE PUBLICATIONS:

The publications listed below form a part of this specification to the extent referenced. The publications shall be the most current issue and are referred to in the text by the basic designation only. The following are minimum requirements and shall govern except that all local, state, and/or federal codes and ordinances shall govern when their requirements are in excess hereof. All asphalt construction shall be in accordance with applicable sections of the "Florida Department of Transportation Specifications for Road and Bridge Construction" unless modified herein.

Florida Department of Transportation Specifications:	
• Section 901	Course Aggregate
• Section 902	Fine Aggregate
• Section 916	Bituminous Materials
• Section 917	Mineral Filler
• Section 300	Bituminous Treatments, Surface Courses and Concrete Pavement
• Section 331	Type S Asphalt Concrete

American Society for Testing and Materials (ASTM) Publications:	
• D 1557	Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10 lb (4.54 kg) Rammer and 18-in. (457mm) Drop.
• D 1557	Marshall Stability Mix Design

3.3 SUBMITTALS:

Asphalt Design Mix: Before any asphalt surface is constructed, submit two copies of each of the actual design mix to the Engineer and Owner.

Written approval of the asphaltic concrete design mix must be obtained from the Engineer and Owner prior to commencing asphalt pavement construction.

Material Certificates: Furnish copies of materials certificates signed by material producer and Contractor, certifying that each material item complies with, or exceeds specified requirements.

Asphalt extraction tests.

Aggregate gradation tests.

Marshall stability tests.

3.4 JOB CONDITIONS:

Weather limitations: Apply prime and tack coats when ambient temperature is above 40 degrees, and when temperature has not been below 35 degrees for 12 hours prior to application. Do not apply when base is wet or contains excess moisture.

3.5 MATERIALS:

Mineral Filler: Rock dust, hydraulic cement, or other inert material complying with Section 917 of the Florida D.O.T. Specification.

Asphalt Cement: The bituminous material shall be AC-20, viscosity grade and comply with Section 916 of the Florida D.O.T. Specification.

Course Aggregate: Comply with Section 901 of the Florida D.O.T. Specification.

Fine Aggregate: Comply with Section 902 of the Florida D.O.T. Specification.

Prime Coat and Tack Coat: The bituminous material for the Prime Coat shall be MC-70. The bituminous material for the Tack Coat shall be AC-20, or Emulsified asphalt, grade RS-2 and comply with the requirements in Section 300 and 916 of the Florida D.O.T. Specifications.

Asphaltic Concrete Design Mixes: Asphalt shall conform to the requirements for Type S Asphalt as indicated in Section 331 of the Florida D.O.T. Specifications.

Mix shall be within sieve analysis and bitumen range given in Section 331 of the Florida D.O.T. Specifications.

Minimum Marshall stability shall be in 1500 lbs./sq. in. as indicated in Table 331-2 of the Florida D.O.T. Specifications.

Percent bitumen by weight of total weight mix: 5.0 - 8.5.

CONTINUED ON NEXT COLUMN

Once design mix has been accepted by Engineer and Owner, sieve analysis tolerances indicated in Table 331-5 are allowable during construction. If sieve analysis values fall outside these tolerances, design mix must be resubmitted for acceptance.

Provide asphalt-aggregate mixture as recommended by local or state paving authorities to suit project conditions. Use locally available materials and graduations which meet Florida D.O.T. Specifications and exhibit satisfactory record on previous installations.

3.6 BASE COURSE PREPARATION:

Prior to construction of the base course, the top 12 inches of subgrade shall be compacted to a minimum soil density of 98% of the Modified Proctor Test Density (ASTM 1557). The subgrade shall be sterilized by a borate or chlorate sterilant containing not less than 25% sodium chlorate and shall be mixed thoroughly with water at the rate of 1-1/2 lbs. of sterilant per gallon of water. The sterilant shall be applied evenly at the rate of 0.2 gallons per square yard to subgrades that are less than 12" below original grades. If prepared base course will not be immediately covered with subgrade on the same day and wind-blown seeds will contaminate the base course surface, the sterilants shall be applied to the base course contaminate the base course.

Remove loose material from compacted base material surface immediately before applying prime coat.

Proof roll prepared base material surface to ensure unstable areas have been corrected and are ready to receive paving.

Prime Coat:

- Apply bituminous prime coat to base material surfaces where asphaltic concrete paving will be constructed.
- Apply bituminous prime coat in accordance with Section 300 of Florida D.O.T. Specifications.
- Apply at minimum rate of not less than 0.15 gal./sq. yd. over compacted base material. Apply material to penetrate and seal, but not flood, surface.
- Cure and dry as long as necessary to attain penetration and evaporation of volatile.

Tack Coat:

- Tack coat shall be applied in accordance with Section 300 of Florida D.O.T. Specifications. Apply to contact surfaces of previously constructed asphalt or portland cement and concrete and surfaces abutting or projecting into asphalt concrete pavement.
- Apply tack coat to full depth asphalt base course and sand asphalt base course. Apply emulsified asphalt tack coat between each lift or later of full depth asphalt and sand asphalt bases and on surface of such bases where asphaltic concrete paving will be constructed.
- Distribute at rate of 0.08 ga./sq. yd. of surface.
- Allow to dry until at proper condition to receive paving.

3.7 PLACING ASPHALT MIX:

Place asphalt concrete mixture on prepared surface, spread, and strike off. Spread mixture at the following minimum temperatures:

- When ambient temperature is between 40 degrees F and 50 degrees F: 285 degrees F.
- When ambient temperature is between 50 degrees F and 60 degrees F: 280 degrees F.
- When ambient temperature is higher than 60 degrees F: 275 degrees F.

Place inaccessible and small areas by hand. Place each course to required grade, cross-section, and compacted thickness.

Paver Placing:

- Place in strips not less than 10'-0" wide, unless otherwise acceptable to the Contracting Officer.
- After first strip has been placed and rolled, place succeeding strips and extend rolling to overlap previous strips.

Joints:

- Construct joints between old and new pavements as detailed in the plans.
- Joints between successive days work shall be constructed to ensure continuous bond between adjoining work.
- Construct joints to have same texture, density, and smoothness as other sections of asphalt concrete course.
- Clean contact surfaces and apply tack coat.

3.8 COMPACTION:

Each lift of asphalt shall be compacted to a minimum of 98% of the Marshall test ASTM D1559. Begin rolling when mixture will bear roller weight without excessive displacement. Compact mixture with hot hand tampers or vibrating plate compactors in areas inaccessible to rollers.

Breakdown Rolling:

- Accomplish breakdown or initial rolling immediately following rolling of joints and outside edge.
- Check surface after breakdown rolling, and repair displaced areas by loosening and filling, if required, with hot material.
- Second Rolling:
- Follow breakdown rolling as soon as possible, while mixture is hot.
- Continue second rolling until mixture has been thoroughly compacted.

Finish Rolling:

- Perform finish rolling while mixture is still warm enough for removal of roller marks.
- Continue rolling until roller marks are eliminated and course has attained maximum density.

Patching:

- Remove and replace paving areas mixed with foreign materials and defective areas.
- Cut out such areas and fill with fresh, hot asphalt concrete.
- Compact by rolling to maximum surface density and smoothness.

Protection:

- After final rolling, do not permit vehicular traffic on pavement until it has cooled and hardened.
- Erect barricades to protect paving from traffic until mixture has cooled enough not to become marked.

3.9 FIELD QUALITY CONTROL:

An independent Testing Laboratory, selected and paid by the contractor shall be retained to perform construction testing of in-place asphalt courses for Asphalt Extraction, Aggregate gradation, Marshall Stability, thickness and surface smoothness.

Thickness: In-place compacted thickness shall not be less than thickness specified on the drawings.

Surface Smoothness: Testing shall be performed on the finished surface of each asphalt concrete course for smoothness, using 10'-0" straightedge applied parallel with, and at right angles to centerline of paved area. The variation of the surface from the edge of the straight edge between any two contact points shall not exceed 1/4". Check surface areas at intervals necessary to eliminate ponding areas. Repair or remove and replace unacceptable paving as directed by the Contracting Officer.

Asphalt content, Aggregate gradation, and Marshall Stability shall be as specified in Section 331 of the Florida D.O.T. Specifications.

4 SPECIFICATION: PORTLAND CEMENT CONCRETE PAVING

4.1 SCOPE:

This section includes sidewalks, curbs, and miscellaneous concrete pavement.

4.2 APPLICABLE PUBLICATIONS:

The publications listed below form a part of this specification to the extent referenced. The publications shall be the most current issue and are referred to in the text by the basic designation only. The following are minimum requirements and shall govern except that all local, state, and/or federal codes and ordinances shall govern when their requirements are in excess hereof. All concrete construction shall be in accordance with applicable sections of the "Florida Department of Transportation Specifications for Road and Bridge Construction" unless modified herein.

Florida Department of Transportation Specifications:	
• Section 345	Portland Cement Concrete
• Section 350	Cement Concrete Pavement
• Section 520	Concrete Gutter, Curb Elements and Traffic Separator
• Section 931	Metal Accessory Materials for Concrete Pavement and Concrete Structures

American Society for Testing and Materials (ASTM) Publications:

- A 615 Deformed and Plain Billet Steel Bars for Concrete Reinforcement
- D 1557 Moisture-Density Relations of Soils and Soil-Aggregate Mixtures Using 10-lb. (4.54 kg) Rammer and 18-in. (457mm) Drop.
- D 1751 Preformed Expansion Joint Filler for Concrete Paving and Structural Construction. (Nonextruding and Resilient Bituminous Types)

4.3 SUBMITTALS:

Material Certifications: Furnish copies of materials certificates signed by material producer and Contractor, certifying that each material item complies with, or exceeds, specified requirements.

4.4 MATERIALS:

Forms:

- Steel, wood, or other suitable material of size and strength to retain horizontal and vertical alignment until removed.
- Use straight forms, free of distortion and defects.
- Use flexible spring steel forms or laminated boards to form radius bends as required.

Form Release Agent:

- Coat forms with nonstaining type coating that will not discolor or deface surface of concrete.

Welded Wire Mesh:

- Welded plain cold-drawn steel wire fabric. Furnish in flat sheets, not rolls, unless otherwise acceptable to Contracting Officer. Welded wire mesh shall be free from rust, dirt, foreign matter and shall not be stored directly on the ground. Wire fabric shall comply with Sections 931 of the Florida D.O.T. Specifications.

Reinforcing Bars:

- Deformed steel bars, ASTM A 615, Grade 40. Reinforcing bars shall be free from rust, dirt, foreign matter and shall not be stored directly on the ground. Deformed steel bars shall comply with Section 931 of the Florida D.O.T. Specifications.

Concrete Materials:

- Comply with requirements of Sections 345 and 350 of the Florida D.O.T. Specifications for concrete materials, admixture, bonding materials, curing materials, and others as required.

Joint Fillers:

- Resilient premolded bituminous impregnated fiberboard units complying with ASTM D 1751. Joint fillers shall comply with Section 932 of the Florida D.O.T. Specifications.

4.5 MIXING:

Design mix to produce normal weight concrete consisting of Portland cement, aggregate, water-reducing or high-range water reducing admixture (super-plasticizer), air-entraining admixture and water to produce following properties:

- Compressive Strength: Minimum 3,000 psi for curb and walkways and 4,000 psi for pavement, at 28 days. In addition, concrete for pavement shall have a minimum modulus of rupture of 600 psi.
- Slump Range: 3" - 5".
- Air Content: 3% to 6%.

4.6 PREPARATION:

Surface Preparation:

- Remove loose material from compacted base material surface immediately before placing concrete.
- Compact the top 12 inches of subgrade to a minimum soil density of 98% for the Modified Proctor Test (ASTM D 1557) to result in a minimum modulus of subgrade reaction (k) of 150 psi/in. Proof-roll prepared base material surface to check for unstable areas. The paving work shall begin after the unsuitable areas have been corrected and are ready to receive paving. Compaction testing for the base material shall be completed prior to the placement of the paving.

4.7 CONCRETE INSTALLATION:

Form Construction:

- Set forms to required grades and lines, rigidly braces and secured. Install sufficient quantity of forms to allow continuous progress of work and so that forms can remain in place at least 24 hours after concrete placement.
- Check completed formwork for grade and alignment to following tolerances:
- Top of forms not more than 1/8" in 10'-0".
- Vertical face on longitudinal axis, not more than 1/4" in 10'-0".
- Clean forms after each use, and coat with form release agent as often as required to ensure separation from concrete without damage.

Reinforcement:

- Locate, place, and support reinforcement to ensure compliance with plans.

Concrete Placement:

- Comply with requirements of Sections 345, 350, and 520 of Florida D.O.T. Specifications for mixing and placing concrete.

Do not place concrete until base material and forms have been checked for line and grade. Moisten base material if required to provide uniform dampened condition at time concrete is placed. Concrete shall not be placed around manholes or other structures until they are at the required finish elevation and alignment.

Place concrete using methods, which prevent segregation of mix. Consolidate concrete along face of forms and adjacent to transverse joints with internal vibrator. Keep vibrator away from joint assemblies, reinforcement, or side forms. Consolidate with care to prevent dislocation of reinforcing, dowels, and joint devices.

Deposit and spread concrete in continuous operation between transverse joints, as far as possible. If interrupted for more than 1/2 hour place construction joint.

Curbs and Gutters:

Automatic machine may be used for curb and gutter placement at Contractor's option. Machine placement must produce curbs and gutters to required cross section, lines, grades, and jointing as specified for formed concrete. If results are not acceptable, remove and replace with formed concrete as specified.

4.8 JOINT CONSTRUCTION:

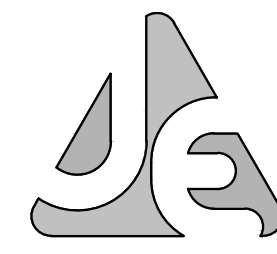
Construct expansion, weakened-plane (Contraction), and construction joints true-to-line with face perpendicular to surface of concrete. Construct transverse joints at right angles to centerline, unless otherwise indicated.

Weakened-Plane (Contraction) Joints:

- Provide weakened-plane (contraction) joints, sectioning concrete into areas at 15'-0" o.c. maximum each way.
- Sidewalks shall have contraction joints at 5'-0" o.c.
- Construct weakened-plane joints for depth equal to at least 1/4 concrete thickness.

Tooled Joints:

Form weakened-plane joints in fresh concrete by grooving top portion with recommended cutting tool and finishing edges with jointer.



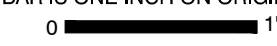
JENKINS ENGINEERING, INC.
75 EGLIN PARKWAY, NE, SUITE 203
FORT WALTON BEACH, FLORIDA 32548
PHONE 850.837.2448
FAX 850.837.2450

CITY OF DESTIN

GULF SHORE DRIVE EXTENSION
CITY OF DESTIN, FLORIDA

SPECIFICATIONS 1
NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE

JOB: 22-03
DATE: 05-09-22
DESIGNED: MZ/MS
DRAWN: MS

BAR IS ONE INCH ON ORIGINAL
0"  1"
IF NOT ONE INCH ON THIS SHEET
ADJUST SCALES ACCORDINGLY

DRAWING NUMBER
11 OF 12

SHEET NUMBER
C11

THIS DRAWING IS THE PROPERTY OF JENKINS ENGINEERING, INC. AND IS NOT TO BE REPRODUCED WITHOUT EXPRESSED WRITTEN CONSENT

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 3.H.

TO: City Council

THRU: Lance Johnson, City Manager

FROM:

DATE: 5/12/2022

SUBJECT: Code Compliance Monthly Activity Report

I. BACKGROUND:

II. DISCUSSION: Code Numbers 04/01/2022 to 04/30/2022

Number of Cases Type of Cases

5	Animal Warnings
8	Beach Management
15	Beach Verbal Warnings
2	Conservation of Neighborhood
3	Garbage, Trash, Accumulation of Debris
17	Harbor Violations (Commercial Activity/Idle Speed)
10	Noise Warnings
61	Parking Warnings/Citations
14	Permits (working without a permit)
1	Prohibited Signs Violations (Obscene Sign)
13	Right of Way Protection Violations
32	Short Term Rental Violations (Noise, parking, Occupancy)
8	Snipe Signs (unauthorized sign posting)
20	Beach Vendor Permits/Registration Assistance/Inspections
4	Pay to Park Citations
109	Short Term Rentals Permits Issued
54	Long Term Rentals Permits Issued
1	Livery Permit Issued

356	Total Cases
Admin	Asst399
Phone	
Calls/Emails/Walk	
in	

- A. **Link to Strategic Goals / Objectives:** Enhanced quality of life and safety for families
- B. **Effect on Budget (EOB):**
- C. **Level of Service (LOS):**
- D. **Legislative Sponsor (Land Use Items):**

III. **CONCLUSION:** Code Compliance opened just shy of 400 cases during the month of April, 2022

IV. **RECOMMENDED MOTION:** None: Informational Only

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.I.

TO: City Council

THRU: Rey Bailey, City Clerk

FROM: Kim Montgomery, Deputy City Clerk

DATE: June 10, 2022

SUBJECT: Request for use of ROW for Boathouse Oyster Bar 5k Run

I. BACKGROUND:

II. DISCUSSION: The Boathouse Oyster Bar is requesting approval for use of city right-of-way for their inaugural 5k run benefiting Juvenile Diabetes Research Foundation (JDRF) in memory of Forrest Dalton on June 18, 2022.

A. Link to Strategic Goals / Objectives: Enhance Quality of Life and the city's Recreational Services

B. Effect on Budget (EOB): The city of Destin shall not incur any expense or revenue as a result of this request.

C. Level of Service (LOS): There is no staff required for this request.

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION: All related and required documentation has been submitted and approved for legal sufficiency by both the City Attorney and the Risk Manager. Staff recommends approval of this request.

IV. RECOMMENDED MOTION: I move to approve the request for use of city right-of-way for the Boathouse Oyster Bar's inaugural 5k run to be held on June 18, 2022.

Attachments:

1. Boathouse Oyster Bar 5k Run
2. Kyle & Nicole's response



CHECKLIST FOR USE OF PUBLIC FACILITIES OR PROPERTY:

Name of Organization: Boathouse Oyster Bar

Type of Event: 5K Run

Date(s) of Event: June 18, 2022

Location of Event: see route map provided

- 1.* Certificate of Insurance (Endorsement to the Policy & Acord is required.) provided: Yes: ☒ This is required. Date on which provided: 04-19-2022
- 2.* Hold Harmless (Signed Original) provided: Yes: ☒ This is required. Date on which provided: 04-19-2022
- 3.** Permission granted from FDOT for use of State roadway (applicable only if using and closing any portion of State Highway 98) Yes ☐ No ☐ Date written permission granted: N/A
- 4.** Local law enforcement services requested: Yes ☒ This is required. Law enforcement officer contacted: Captain Matt Abbott
- 5.** Destin Fire Control District contacted: Yes ☒ This is required. Person contacted: Matt Taylor
- 6.** Okaloosa County Emergency Medical Services contacted: Person contacted: Patrick Maddox Yes ☒ This is required
7. Please provide map of race route(s).
8. Describe steps being taken to ensure removal of all directional arrows, signage, as well as trash left on City streets upon conclusion of the event:
Upon finale of the race a crew will remove all signage, trash or anything else involved in the race
9. Please provide location & pertinent information regarding sufficient and approved event participant parking for the event: City of Destin Marker Parking lot
Any unauthorized event participant parking is subject to being towed from private property at vehicle owner's expense
10. City Park Permit needed: Yes ☐ No ☒ If yes, please contact Lisa Firth at Destin Community Center @ 850-654-5184 to make arrangements to reserve the park.
11. Will the event be in a residential neighborhood and will there be excessive noise or light glare from the event? NC

[Signature]
(Requester's or Acting Agent's Signature)



HOLD HARMLESS AGREEMENT

Boathouse Oyster Bar agrees to indemnify and hold harmless the City of Destin from any and all liability, defense costs, including attorney fees and all other fees incidental to defense, loss or damage the City of Destin may suffer as a result of claims, demands, costs or judgments against it arising from the Forrest 5K to be held on June 18, 2022.

In addition, the Boathouse Oyster Bar agrees to provide the City of Destin a Certificate of Insurance naming the City as an Additional Insured reflecting general liability coverage of not less than \$1,000,000.00.

Boathouse Oyster Bar
(Corporate Name)

Signature of President

Melissa Schofield
Print name and print President next to name

STATE OF Florida

COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, on this 19 day of April 2022

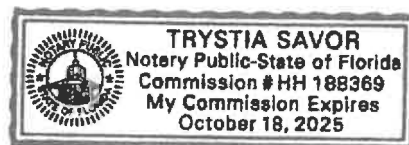
by Melissa L Schofield who is personally known by me or has produced identification ☒ Type of Identification: FLDL

Trystia Savor

Signature of Notary Taking Acknowledgement

Trystia Savor
Printed name of Notary Taking Acknowledgement

(Seal)





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/30/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Waldorff Insurance & Bonding 45 Eglin Parkway NE Ste 202 Fort Walton Beach FL 32548	CONTACT NAME:	FAX
	PHONE (A/C, No, Ext): 850-581-4925	(A/C, No): 850-581-4930
	E-MAIL ADDRESS: receptionist@waldorffinsurance.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : Mount Vernon Fire Ins.	26522
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

INSURED
Boathouse Oyster Bar, Inc. DBA: The Boathouse Oyster Bar
PO Box 62
Destin FL 32540

COVERAGES

CERTIFICATE NUMBER: 337010279

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC OTHER:	Y	SE 2009772	3/5/2022	3/5/2023	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 1,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N ☐ N/A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

5k on June 18th
Forrest Run

Certificate Holder is listed as Additional Insured, when required by written contract, as pertains to general liability.

CERTIFICATE HOLDER

CANCELLATION

City of Destin 4100 Indian Bayou Trail Destin FL 32541	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

© 1988-2015 ACORD CORPORATION. All rights reserved.

ENDORSEMENT #1

This endorsement, issued by **Mount Vernon Fire Insurance Company**
to **BOATHOUSE OYSTER BAR, INC** forms a part of
Policy Number **SE 2009772** effective on **6/18/2022** (MO. DAY YR.) at 12:01 A.M.

Add/Remove/Amend General Liability Additional Insured Endorsement

In consideration of no change in premium it is hereby agreed that the following form(s)
is(are) added to the Policy:

CG2011 04/13 - Additional Insured - Managers or Lessors of Premises

All other terms and conditions of this Policy remain unchanged.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - MANAGERS OR LESSORS OF PREMISES

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Person(s) Or Organization(s) (Additional Insured):

Effective Date: 06/18/2022 12:01 AM

CITY OF DESTIN

4100 INDIAN BAYOU TRAIL

DESTIN, FL 32541

Designation of Premises (Part Leased To You):

288 HARBOR BLVD

DESTIN, FL 32540

Additional Premium: \$

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability arising out of the ownership, maintenance or use of that part of the premises leased to you and shown in the Schedule and subject to the following additional exclusions:

This insurance does not apply to:

1. Any "occurrence" which takes place after you cease to be a tenant in that premises.
2. Structural alterations, new construction or demolition operations performed by or on behalf of the person (s) or organization(s) shown in the Schedule.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and

2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable Limits of Insurance shown in the Declarations;
- whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

OLSO

Kim Montgomery

To: Amber
Subject: RE: Forrest 5K

From: [Matthew D. Abbott](#)
Sent: Tuesday, April 19, 2022 4:35 PM
To: [Amber](#)
Cc: [Charles A. Nix](#); [Kenneth LaPee](#); [Webb Warren](#); [Lance Johnson](#); [Terry Watkins](#); [Joseph J. Fulghum](#)
Subject: RE: Forrest 5K

Good afternoon,

I have reviewed the route and have no objections. We do ask that runners stay on the sidewalk as much as possible and avoid the roadway. The event should post volunteers in bright colored or reflective vests at major intersections to warn runners of oncoming traffic. Examples of these intersections would be:

Palmetto at Mountain
Palmetto at Azalea
Forrest at Siebert
Calhoun at Kelly
Calhoun at Cross
Calhoun at Benning
Benning at Siebert

I have also cc'ed Capt Terry Watkins with the Sheriff's Posse. The Posse has availability that day and is willing to assist with the race.

Destin city management also cc'ed.

Hopefully this email includes everyone necessary to finalize the permitting your event. Please let me know if you have any questions.

Thanks

MA

Captain Matthew D. Abbott
Operations Commander; District 3
Okaloosa County Sheriff's Office
50 2nd St.
Shalimar, Florida 32579
Cell: 850-259-4043
mabbott@sheriff-okaloosa.org

Operations Commander; District 3
Okaloosa County Sheriff's Office
50 2nd St.
Shalimar, Florida 32579
Cell: 850-259-4043
mabbott@sheriff-okaloosa.org

From: Kenneth LaPee <klapee@sheriff-okaloosa.org>
Sent: Thursday, April 14, 2022 2:04 PM
To: Amber <amber@boathouseoysterbardestin.com>
Cc: Matthew D. Abbott <mabbott@sheriff-okaloosa.org>
Subject: RE: Forrest 5K

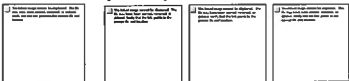
Good Afternoon Amber,

The OCSO has no objections to your event. As a matter of fact, several of us will participate in running. I have copied our District Commander, Captain Matt Abbott. We are not the approval authority, that falls on the city of Destin. I'm sure the city will check with Captain Abbott when you run it by them.

Best Regards,

Ken LaPee

Chief Deputy
Okaloosa County Sheriff's Office
Office: (850)609-4946



From: Amber <amber@boathouseoysterbardestin.com>
Sent: Thursday, April 14, 2022 1:13 PM
To: Kenneth LaPee <klapee@sheriff-okaloosa.org>
Subject: Forrest 5K

WARNING: This E-Mail Originated Outside of the Sheriff's Office.

DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hello Major LaPee!

I am the Event Coordinator for Boathouse Oyster Bar on the Destin Harbor. Throughout the year we host fundraising events on our property for local non profits, Children in Crisis, Food for Thought and Road Dogg Rescue. This year we are excited to put together a 5K benefiting Juvenile Diabetes Research Foundation (JDRF) in memory of a dear friend to the community, Forrest Dalton.

Kim Montgomery

OC EMS

To: Amber
Subject: RE: Forrest 5K

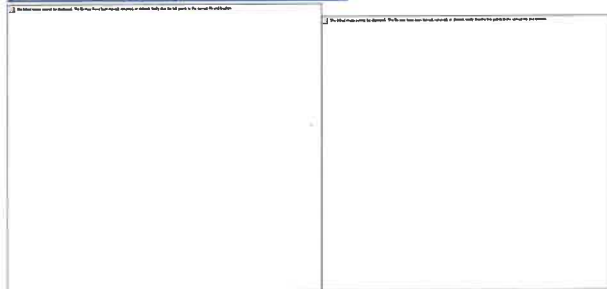
From: [Patrick Maddox](#)
Sent: Thursday, April 14, 2022 1:16 PM
To: 'Amber'
Cc: [Catherine Card](#); [Angela Overly](#); 'Charles A. Nix'; [Matt Abbott](#); [Kenneth LaPee](#); [Darrel Welborn](#)
Subject: RE: Forrest 5K

Good Afternoon Amber,

As this is an event within the limits of the City of Destin, I have copied their PIO here to coordinate any city needs. I have no objection from the county public safety perspective and have copied my EMS Chief. Of course, this time of year is subject to interruption by tropical systems, which will need to remain on your radar for action. I have also copied representatives from the Sheriff's Office who may wish to weigh in regarding traffic direction, affected roadways, etc.

Stay safe,

Patrick Maddox, LE CDR(R)
Director of Public Safety
Okaloosa County Board of County Commissioners
90 College Blvd E.
Niceville, FL 32578
(850) 651-7150
pmaddox@myokaloosa.com



From: Amber <amber@boathouseoysterbardestin.com>
Sent: Thursday, April 14, 2022 13:09
To: Patrick Maddox <pmaddox@myokaloosa.com>
Subject: Forrest 5K

Hello Patrick!

I am the Event Coordinator for Boathouse Oyster Bar on the Destin Harbor. Throughout the year we host fundraising events on our property for local non profits, Children in Crisis, Food for Thought and Road Dogg Rescue. This year we are excited to put together a 5K benefiting Juvenile Diabetes Research Foundation (JDRF) in memory of a dear friend to the community, Forrest Dalton.

Kim Montgomery

DFCD

To: Amber
Subject: RE: Forrest 5K

From: [Matt Taylor](#)
Sent: Friday, April 15, 2022 7:16 AM
To: [Amber](#)
Cc: [Jeff Anderson](#); [James Taylor](#); [Justin Blixt](#); [Mike Landis](#); [Kevin Sasser](#)
Subject: RE: Forrest 5K

Amber,

Thank you for notifying the Destin Fire Control District of the Forrest 5K on June 18, 2022 at 8am. The appropriate shift has been copied on this e-mail.

Please advise all participants to maintain an awareness for any responding emergency vehicle during all stages of the event and to immediately cede the right-of-way.

Have a great run and if you need any other assistance, please contact me.

This e-mail will serve as the Destin Fire Control District's acknowledgement of this event. Please forward it to the appropriate agencies.

*Matt Taylor, Fire Marshal
Destin Fire Control District
850-837-8413*

*Matt Taylor, Fire Marshal
Destin Fire Control District
850-837-8413*

From: Amber <amber@boathouseoysterbardestin.com>
Sent: Thursday, April 14, 2022 1:09 PM
To: Matt Taylor <MTaylor@destinfire.com>
Subject: Forrest 5K

Hello Matt!

I am the Event Coordinator for Boathouse Oyster Bar on the Destin Harbor. Throughout the year we host fundraising events on our property for local non profits, Children in Crisis, Food for Thought and Road Dogg Rescue.

Choctawhatchee Bay

Cobb's Pt.

Joe's Bayou

DESTIN

INDIAN TRAIL TRAIL
EST.
PINE RIDGE TRAIL

HARBOR BREEZE
DESTIN HARBOR CLUB

QUICK WOOD DR
QUICK WOOD DR

GULF TERRACE DR
GULF TERRACE DR

DESTIN
DESTIN

DESTIN
DESTIN

HERITAGE RUN
MATER BAYOU

EDGE WOOD
EDGE WOOD

BEACH
BEACH

INDIAN TRAIL
INDIAN TRAIL

QUICK WOOD DR
QUICK WOOD DR

DESTIN
DESTIN

DESTIN
DESTIN

HERITAGE RUN
MATER BAYOU

EDGE WOOD
EDGE WOOD

BEACH
BEACH

INDIAN TRAIL
INDIAN TRAIL

QUICK WOOD DR
QUICK WOOD DR

DESTIN
DESTIN

DESTIN
DESTIN

HERITAGE RUN
MATER BAYOU

EDGE WOOD
EDGE WOOD

BEACH
BEACH

INDIAN TRAIL
INDIAN TRAIL

QUICK WOOD DR
QUICK WOOD DR

DESTIN
DESTIN

DESTIN
DESTIN

HERITAGE RUN
MATER BAYOU

EDGE WOOD
EDGE WOOD

BEACH
BEACH

INDIAN TRAIL
INDIAN TRAIL

QUICK WOOD DR
QUICK WOOD DR

DESTIN
DESTIN

DESTIN
DESTIN

HERITAGE RUN
MATER BAYOU

EDGE WOOD
EDGE WOOD

BEACH
BEACH

INDIAN TRAIL
INDIAN TRAIL

QUICK WOOD DR
QUICK WOOD DR

DESTIN
DESTIN

DESTIN
DESTIN

Kim Montgomery

From: Kyle Bauman <kbauman@asglegal.com>
Sent: Tuesday, May 10, 2022 10:31 AM
To: Kim Montgomery
Subject: RE: Boathouse Oyster Bar 5k Run request

[CAUTION: This email originated from outside of the City of Destin email system. DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Thanks Kim! All is well here.

This ROW request is sufficient based on my review.

Thanks,
Kyle

Kyle S. Bauman, Esq.

Anchors Smith Grimsley
a Professional Limited Company
Attorneys and Counselors at Law
909 Mar Walt Drive, Ste. 1014
Fort Walton Beach, Florida 32547
(850) 863-4064
(850) 862-1138 (fax)
kbauman@asglegal.com

CONFIDENTIAL

THIS ELECTRONIC TRANSMISSION CONTAINS PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS TRANSMISSION IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE NOTIFIED THAT ANY DISSEMINATION OR COPYING OF THIS TRANSMISSION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TRANSMISSION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY E-MAIL AND DESTROY THE ORIGINAL TRANSMISSION.

From: Kim Montgomery <kmontgomery@cityofdestin.com>
Sent: Tuesday, May 10, 2022 9:52 AM
To: Kyle Bauman <kbauman@asglegal.com>
Subject: FW: Boathouse Oyster Bar 5k Run request
Importance: High

Good morning Kyle,

Congratulations on the birth of your baby. I hope all is well with you all... When you can, can you please look over this request for use of city ROW so I can get it on the agenda for City Council. I had hoped to get it on the 5/16 agenda, but I can delay it to the 6/6 meeting.

Kim Montgomery

From: Nichole Rivera
Sent: Friday, May 6, 2022 9:40 AM
To: Kim Montgomery; Kimberly Kopp
Cc: Rey Bailey; Sharon Gardner
Subject: RE: Boathouse Oyster Bar 5k Run request

Looks good to me 🍷



Nichole Rivera, MRHM/PHR
Human Resources Manager/Risk Manager
City of Destin
850.460.8546

From: Kim Montgomery <kmontgomery@cityofdestin.com>
Sent: Thursday, May 5, 2022 2:49 PM
To: Kimberly Kopp <kkopp@romanokopplaw.com>; Nichole Rivera <nriviera@cityofdestin.com>
Cc: Rey Bailey <rbailey@cityofdestin.com>; Sharon Gardner <sgardner@cityofdestin.com>
Subject: Boathouse Oyster Bar 5k Run request
Importance: High

Hi Kyle & Nicole,

Please review the attached request for use of city ROW for the Boathouse Oyster Bar's inaugural 5k run benefitting Juvenile Diabetes Research Foundation in the memory of Forrest Dalton. If you will please respond to this email with a positive reply if all looks to be in order and it legally sufficient.

Thanks!
-Kim

Kimberly I. Montgomery | Deputy City Clerk
City of Destin | 4200 Indian Bayou Trail
Destin, FL 32541 | (P) 850.837.4242



Please visit our web site at www.cityofdestin/cssurvey to complete a customer service survey. We appreciate your honest opinion and will take it into consideration to help us improve our services. Thank you for your feedback.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 3.J.

TO: City Council

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

FROM: Krystal Strickland, Finance Director

DATE: April 8, 2022

SUBJECT: Operations Financial Report

I. BACKGROUND: This item is informational only.

II. DISCUSSION: Year-to-date budget versus actuals for the General Fund and the two CRAs shall be provided to Council within forty-five days of the month end. Governmental funds are accounted for on a modified accrual basis.

Highlights as of 03/31/2022:

- *We are 50% of the way through the fiscal year
- * 98% of Ad Valorem Taxes have been received/recorded
- * We have expended approximately 51% of Operating budget
- * We have expended approximately 25% of Capital Outlay budget
- *Current net change in total fund balance is a year-to-date increase of \$7.3 million

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):

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. 2022 0331 YTD Budget

City of Destin, Florida

Balance Sheet - Governmental Funds

	01, 700	102	110	111	122, 125, 129	209, 213, 214, 221	300, 305, 315	
<i>Period ended March 31,</i>								2022
	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	\$ 12,686,577	\$ 1,195,141	\$ -	\$ -	\$ 4,248,698	\$ -	\$ 2,398,681	\$ 20,529,098
Investments	15,324,611	-	-	-	-	-	-	15,324,611
Due from other funds	244,939	-	-	-	-	-	43,636	288,575
Due from other governments	98,857	-	-	-	-	-	474,497	573,354
Advance to other funds	2,448,824	-	-	-	-	-	-	2,448,824
Accounts receivable - other	148,483	-	-	-	97,476	-	-	245,959
Prepaid expenditures	-	-	-	-	-	-	-	-
Restricted cash and cash equivalents	-	-	730,362	403,845	-	760,693	4,147,591	6,042,490
Total assets	\$ 30,952,290	\$ 1,195,141	\$ 730,362	\$ 403,845	\$ 4,346,175	\$ 760,693	\$ 7,064,406	\$ 45,452,911
Liabilities, deferred inflows of resources and fund balances								
Liabilities:								
Accounts payable	253,601	6,183	2,625	18,352	32,478	-	363,586	676,826
Accrued payroll	5,840	-	-	-	-	-	-	5,840
Due to other funds	43,636	-	-	-	-	1,363	243,575	288,575
Advance from other funds	-	2,448,824	-	-	-	-	-	2,448,824
Total liabilities	303,078	2,455,006	2,625	18,352	32,478	1,363	607,162	3,420,065
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	-	-	724,195	380,997	-	759,330	2,185,463	4,049,984
Committed	10,084,733	-	-	-	4,042,206	-	1,196,193	15,323,132
Assigned	1,763,569	3,542	3,542	4,496	271,490	-	2,285,039	4,331,678
Unassigned	15,976,780	(1,263,407)	-	-	-	-	-	14,713,373
Total fund balances (deficit)	30,386,922	(1,259,865)	727,736	385,493	4,313,696	759,330	5,666,695	40,980,007
Total liabilities, deferred inflows of resources and fund balances	\$ 30,952,290	\$ 1,195,141	\$ 730,362	\$ 403,845	\$ 4,346,175	\$ 760,693	\$ 7,064,406	\$ 45,452,911

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 - 03/31/2022

SUMMARY ALL FUNDS	FY2022		FY2022 ENCUMBRANC ES	FY2022	
	BUDGET*	YTD Actuals		PROJECTION	AVAILABLE BUDGET
Ad Valorem Taxes	\$ 9,333,671	\$ 9,144,486		\$ 9,473,207	\$ 189,185
Tax Increment Financing (TIF)	1,310,929	1,313,239		1,313,239	(2,310)
Delinquent Ad Valorem Taxes	5,000	87		2,587	4,913
Sales and Use Taxes	3,230,855	1,596,041		3,142,988	1,634,814
Licenses and Permits	3,463,479	2,306,673		4,607,058	1,156,806
Impact Fees	115,500	8,374		66,124	107,126
Intergovernmental	2,793,870	1,828,465		3,196,563	1,483,699
Charges for services	749,898	327,420		889,825	422,478
Fines and Forfeitures	59,957	18,262		71,379	41,695
Investment Income	60,120	(575,451)		(535,878)	635,571
Contributions	32,500	5,541	-	35,541	26,959
Miscellaneous income	2,701	22,665		23,137	(19,964)
TOTAL REVENUES	21,158,480	15,995,802	-	22,285,770	5,680,972
General Government	4,354,106	1,705,938	417,144	4,018,045	2,231,024
Public Safety	4,526,381	1,925,617	1,237,384	4,166,373	1,363,381
Physical Environment	199,073	82,050	1,663	185,924	115,360
Transportation	1,939,503	717,035	21,432	1,744,895	1,201,037
Economic Environment	325,636	64,974	7,083	276,049	253,578
Health & Human Services	101,254	22,276	26,819	50,145	52,159
Culture and Recreation	3,709,787	1,502,144	71,076	3,546,999	2,136,567
Capital Outlay	16,790,849	1,645,013	2,559,245	8,605,453	12,586,592
Debt Service	2,669,656	935,254	-	2,677,156	1,734,402
TOTAL EXPENDITURES	34,616,246	8,600,300	4,341,846	25,271,040	21,674,100
Excess (deficiency) of revenues over expenditures	(13,457,766)	7,395,503		(2,985,269)	
Proceeds from issuance of debt	-	-		-	-
Transfers In	6,162,075	3,074,989		5,971,740	3,087,086
Transfers Out	(6,162,075)	(3,006,400)		(5,903,151)	(3,155,675)
Total other financing sources (uses)	0	68,589	-	68,589	(68,588)
Net change in fund balances	(13,457,765)	7,464,092		(2,916,681)	
Fund Balance, Beginning	33,515,915	33,515,915		33,515,915	
Fund Balance, Ending	20,058,149	40,980,006		30,599,234	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

	FY2022	FY2022	FY2022	FY2022	FY2022
	BUDGET*	YTD Actuals	ENCUMBRANC	PROJECTION	AVAILABLE
01 GENERAL FUND			ES		BUDGET
01-31 Ad Valorem Taxes	8,574,910	8,385,725		8,714,446	189,185
01-31 Delinquent Ad Valorem Taxes	5,000	87		2,587	4,913
01-31 Sales and Use Taxes	1,608,694	799,352		1,605,683	809,342
01-32 Licenses and Permits	2,826,871	1,582,569		2,838,818	1,244,302
01-32 Impact Fees	-	-		-	-
01-33 Intergovernmental	2,763,870	1,310,171		3,166,563	1,453,699
01-34 Charges for Services	331,398	238,819		447,075	92,579
01-35 Fines and Forfeitures	59,957	18,262		71,379	41,695
01-36 Investment Income	58,084	(581,569)		(543,083)	639,653
01-36 Contributions	2,500	5,541		5,541	(3,041)
01-36 Miscellaneous Revenue	2,201	22,665		22,887	(20,464)
TOTAL REVENUES	16,233,485	11,781,622	-	16,331,897	4,451,863
01-51 General Government	4,354,106	1,705,938	417,144	4,018,045	2,231,024
01-52 Public Safety	3,245,704	1,509,638	1,232,888	3,186,954	503,178
01-53 Physical Environment	199,073	82,050	1,663	185,924	115,360
01-54 Transportation	1,852,003	697,682	21,432	1,661,210	1,132,889
01-55 Economic Environment	14,200	7,226	-	14,452	6,974
01-56 Health & Human Services	101,254	22,276	26,819	50,145	52,159
01-57 Culture and Recreation	3,709,787	1,502,144	71,076	3,546,999	2,136,567
01-59 Capital Outlay	109,250	24,710	2,542	108,374	81,998
01-59 Debt Service Principal	78,405	57,057	-	83,310	21,348
01-59 Debt Service Interest	2,511	1,894	-	5,106	617
TOTAL EXPENDITURES	13,666,293	5,610,615	1,773,564	12,860,519	6,282,114
Excess (deficiency) of revenues over expenditures	2,567,192	6,171,007		3,471,378	
01-38 Proceeds from Issuance of Debt	-	-		-	-
01-38 Transfers In	-	68,589		68,589	(68,589)
01-58 Transfers Out	(4,533,306)	(2,172,108)		(4,221,934)	(2,361,198)
Total other financing sources (uses)	(4,533,306)	(2,103,519)		(4,153,346)	(2,429,787)
01 Net change in fund balances	(1,966,114)	4,067,487		(681,968)	
01 Fund Balance (deficit), Beginning	26,319,435	26,319,435		26,319,435	
01 Fund Balance (deficit), Ending	24,353,321	30,386,922		25,637,467	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

102 TOWN CENTER CRA 1998-2028 OR until Debt Paid 2037 (RESTRICTED; ECON DEV)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
102-31 County TIF	954,620	957,717		957,717	(3,097)
102-31 City TIF (Ad Valorem)	402,452	402,452		402,452	-
102-36 Investment Income	1,301	371		1,091	930
TOTAL REVENUES	1,358,373	1,360,540		1,361,260	(2,167)
102-55 Economic Environment	153,257	38,302	3,542	139,020	111,413
102-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	153,257	38,302	3,542	139,020	111,413
Excess (deficiency) of revenues over expenditures	1,205,116	1,322,238		1,222,240	
102-38 Transfers In	-	-		-	-
102-58 Transfers Out	(731,418)	(365,709)		(731,489)	(365,709)
Total other financing sources (uses)	(731,418)	(365,709)		(731,489)	(365,709)
102 Net change in fund balances	473,698	956,529		490,751	
102 Fund Balance (deficit), Beginning	(2,216,394)	(2,216,394)		(2,216,394)	
102 Fund Balance (deficit), Ending	(1,742,696)	(1,259,865)		(1,725,643)	

**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 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
110-31 County TIF	356,309	355,522		355,522	787
110-31 City TIF (Ad Valorem)	356,309	356,309		356,309	-
110-36 Investment Income	300	269		419	31
TOTAL REVENUES	712,918	712,100		712,250	818
110-55 Economic Environment	158,179	19,446	3,542	122,577	135,191
110-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	158,179	19,446	3,542	122,577	135,191
Excess (deficiency) of revenues over expenditures	554,739	692,654		589,673	
110-38 Transfers In	-	-		-	-
110-58 Transfers Out	(481,057)	(241,161)		(481,057)	(239,896)
Total other financing sources (uses)	(481,057)	(241,161)		(481,057)	(239,896)
110 Net change in fund balances	73,682	451,493		108,615	
110 Fund Balance (deficit), Beginning	276,243	276,243		276,243	
110 Fund Balance (deficit), Ending	349,925	727,736		384,859	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

111 FLORIDA BUILDING CODE FUND (RESTRICTED; PUBLIC SAFETY)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
111-32 Licenses and Permits	636,608	506,280		1,160,416	130,328
111-36 Investment Income	60	-		30	60
TOTAL REVENUES	636,668	506,280		1,160,446	130,388
111-52 Public Safety	1,153,178	381,119	4,496	944,560	767,563
111-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	1,153,178	381,119	4,496	944,560	767,563
Excess (deficiency) of revenues over expenditures	(516,510)	125,161		215,886	
111-38 Transfers In	328,507	-		-	328,507
111-58 Transfers Out	(63,210)	(50,419)		(115,586)	(12,791)
Total other financing sources (uses)	265,297	(50,419)		(115,586)	315,716
111 Net change in fund balances	(251,213)	74,743		100,300	
111 Fund Balance (deficit), Beginning	310,750	310,750		310,750	
111 Fund Balance (deficit), Ending	59,537	385,493		411,050	

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

122 PARKING FUND (IN GF; TRANSPORTATION)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
122-34 Charges for Services	418,500	88,601		442,750	329,899
122-36 Investment Income	25	2		15	23
TOTAL REVENUES	418,525	88,603		442,765	329,922
122-54 Transportation	87,500	19,353	-	83,685	68,147
122-59 Capital Outlay	126,000	-	4,426	114,426	121,574
TOTAL EXPENDITURES	213,500	19,353	4,426	198,111	189,721
Excess (deficiency) of revenues over expenditures	205,025	69,251		244,654	140,200
122-38 Transfers In	-	-		-	-
122-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	-	-		-	-
122 Net change in fund balances	205,025	69,251		244,654	
122 Fund Balance (deficit), Beginning	-	-		-	
122 Fund Balance (deficit), Ending	205,025	69,251		244,654	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

125 TECH FUND (COMMITTED; IN GF; PUBLIC SAFETY)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
125-36 Investment Income	-	116		116	(116)
TOTAL REVENUES	-	116		116	(116)
125-52 Public Safety	127,500	34,860	-	34,860	92,640
125-59 Capital Outlay	-	-	-	-	-
TOTAL EXPENDITURES	127,500	34,860	-	34,860	92,640
Excess (deficiency) of revenues over expenditures	(127,500)	(34,744)		(34,744)	
125-38 Transfers In	139,982	105,230		193,167	34,752
125-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	139,982	105,230		193,167	34,752
125 Net change in fund balances	12,482	70,486		158,423	
125 Fund Balance (deficit), Beginning	201,406	201,406		201,406	
125 Fund Balance (deficit), Ending	213,888	271,892		359,830	

**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 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
129-31 Sales and Use Taxes	1,390,761	671,742		1,296,657	719,019
129-36 Investment Income	150	2,053		2,128	(1,903)
TOTAL REVENUES	1,390,911	673,795		1,298,786	717,116
129-59 Capital Outlay	3,324,756	103,700	271,490	1,108,084	2,949,566
TOTAL EXPENDITURES	3,324,756	103,700	271,490	1,108,084	2,949,566
Excess (deficiency) of revenues over expenditures	(1,933,845)	570,095		190,701	
129-38 Transfers In	-	-		-	-
129-58 Transfers Out	(353,084)	(177,003)		(353,084)	(176,081)
Total other financing sources (uses)	(353,084)	(177,003)		(353,084)	(176,081)
129 Net change in fund balances	(2,286,929)	393,092		(162,383)	
129 Fund Balance (deficit), Beginning	3,579,462	3,579,462		3,579,462	
129 Fund Balance (deficit), Ending	1,292,532	3,972,553		3,417,079	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

213 DEBT SERVICE 2013 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
213-36 Investment Income	100	127		177	(27)
TOTAL REVENUES	100	127		177	(27)
213-59 Debt Service Principal	412,531	-	-	412,531	412,531
213-59 Debt Service Interest	142,713	71,357	-	142,713	71,357
TOTAL EXPENDITURES	555,245	71,357	-	555,245	483,888
Excess (deficiency) of revenues over expenditures	(555,145)	(71,229)		(555,067)	
213-38 Transfers In	555,245	277,622		555,245	277,623
213-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	555,245	277,622		555,245	277,623
213 Net change in fund balances	100	206,393		177	
213 Fund Balance (deficit), Beginning	93,097	93,097		93,097	
213 Fund Balance (deficit), Ending	93,197	299,490		93,274	

214 DEBT SERVICE 2014 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
214-36 Investment Income	100	197		247	(97)
TOTAL REVENUES	100	197		247	(97)
214-59 Debt Service Principal	427,021	-	-	427,021	427,021
214-59 Debt Service Interest	304,397	152,199	-	304,397	152,199
TOTAL EXPENDITURES	731,418	152,199	-	731,418	579,220
Excess (deficiency) of revenues over expenditures	(731,318)	(152,001)		(731,171)	
214-38 Transfers In	731,418	365,709		731,489	365,709
214-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	731,418	365,709		731,489	365,709
214 Net change in fund balances	100	213,708		318	
214 Fund Balance (deficit), Beginning	245,566	245,566		245,566	
214 Fund Balance (deficit), Ending	245,666	459,273		245,884	

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

221 DEBT SERVICE 2021 NOTE (RESTRICTED; DEBT SERVICE)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
221-36 Investment Income	-	29		29	(29)
TOTAL REVENUES	-	29		29	(29)
221-59 Debt Service Principal	1,200,000	600,000	-	1,200,000	600,000
221-59 Debt Service Interest	102,077	52,747	-	102,077	49,330
221-51 General Government	-	-	-	-	-
TOTAL EXPENDITURES	1,302,077	652,747	-	1,302,077	649,330
Excess (deficiency) of revenues over expenditures	(1,302,077)	(652,719)		(1,302,049)	
221-38 Transfers In	1,302,077	652,747		1,302,077	649,330
221-58 Transfers Out	-	-		-	-
221-38 Proceeds from issuance of debt	-	-		-	-
Total other financing sources (uses)	1,302,077	652,747		1,302,077	649,330
221 Net change in fund balances	-	29		29	
221 Fund Balance (deficit), Beginning	538	538		538	
221 Fund Balance (deficit), Ending	538	566		566	

300 RENEWAL AND REPLACEMENT FUND (IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
300-36 Investment Income	-	1,094		1,094	(1,094)
TOTAL REVENUES	-	1,094		1,094	(1,094)
300-59 Capital Outlay	2,784,199	389,848	990,654	1,380,502	1,403,698
TOTAL EXPENDITURES	2,784,199	389,848	990,654	1,380,502	1,403,698
Excess (deficiency) of revenues over expenditures	(2,784,199)	(388,754)		(1,379,408)	
300-38 Transfers In	1,410,814	1,172,641		1,428,048	238,173
300-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	1,410,814	1,172,641		1,428,048	238,173
300 Net change in fund balances	(1,373,385)	783,886		48,640	
300 Fund Balance (deficit), Beginning	1,402,960	1,402,960		1,402,960	
300 Fund Balance (deficit), Ending	29,575	2,186,846		1,451,600	

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

CITY OF DESTIN - MONTHLY FINANCIAL REPORT

Actuals 10/01/2021 - 03/31/2022

305 GRANT AND GF CAPITAL PROJECT FUND (IN GF; CAPITAL OUTLAYS)	FY2022 BUDGET*	FY2022 YTD Actuals	FY2022 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
305-33 Intergovernmental	7,295,410	518,294		2,743,741	6,777,115
305-36 Contributions	30,000	-		30,000	30,000
TOTAL REVENUES	7,325,410	518,294		2,773,741	6,807,115
305-59 Capital Outlay	9,019,442	928,608	901,488	4,466,865	7,189,346
TOTAL EXPENDITURES	9,019,442	928,608	901,488	4,466,865	7,189,346
Excess (deficiency) of revenues over expenditures	(1,694,032)	(410,313)		(1,693,125)	
305-38 Transfers In	1,694,032	432,451		1,693,125	1,261,581
305-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	1,694,032	432,451		1,693,125	1,261,581
305 Net change in fund balances	0	22,138		0	
305 Fund Balance (deficit), Beginning	(1)	(1)		(1)	
305 Fund Balance (deficit), Ending	(0)	22,137		(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 ENCUMBRANC ES	FY2022 PROJECTION	FY2022 AVAILABLE BUDGET
315-32 Impact Fees	115,500	8,374		66,124	107,126
315-32 Licenses and Permits	-	217,824		607,824	(217,824)
315-31 Sales and Use Taxes	231,400	124,947		240,647	106,453
315-36 Investment Income	-	1,859		1,859	(1,859)
315-36 Miscellaneous Revenue	500	-		250	500
TOTAL REVENUES	347,400	353,004		916,704	(5,604)
315-59 Capital Outlay	1,427,202	198,147	388,645	1,427,202	840,410
TOTAL EXPENDITURES	1,427,202	198,147	388,645	1,427,202	840,410
Excess (deficiency) of revenues over expenditures	(1,079,802)	154,858		(510,497)	
315-38 Transfers In	-	-		-	-
315-58 Transfers Out	-	-		-	-
Total other financing sources (uses)	-	-		-	-
315 Net change in fund balances	(1,079,802)	154,858		(510,497)	
315 Fund Balance (deficit), Beginning	3,302,853	3,302,853		3,302,853	
315 Fund Balance (deficit), Ending	2,223,051	3,457,711		2,792,355	

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

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: City Manager Report

AGENDA OUTLINE NUMBER: 3.K.

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: May 10, 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):

D. Legislative Sponsor (Land Use Items):

III. CONCLUSION:

IV. RECOMMENDED MOTION: Not applicable. Informational only.

Attachments:

1. May 10 2022 Capital Projects

CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report

COUNCIL/ MGMT OBJECTIVE	October 1, 2021 - May 10, 2022		FY2022 Budget*	YTD Actuals	YTD Encumbrances	FY2022 Available Budget	Status	Notes
PRIORITY	Citizen/Council Directed							
1.2	EN615	Cross-Town Connector	\$ 2,963,036	\$ 114,534	\$ 537,509	\$ 2,310,993	Ongoing	Atkins working on design and ROW acquisitions
1.3, 2.2	CM001	Beach Acquisition	4,972,283	27,602	39,701	4,904,981	Ongoing	TDC working on beach park design. TPL working towards 3rd parcel acquisition.
1.6	EVENT	Multi-Use Convention/Sports/Comm Ctr	-	-	-	-		<i>Funds moved to Council Contingency</i>
1.4, 2.3	UNDER	Undergrounding	608,629	103,700	255,213	249,716	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	18,789	-	185,964	Ongoing	
3.2	RR052	Public Safety	217,044	(580)	-	217,624	Ongoing	<i>YTD is negative because prior year insurance claim is higher than current YTD actual expenditures</i>
3.2	RR053	Physical Environment (Stormwater, Cemetery)	295,868	231,600	69,048	(4,780)	Ongoing	Harbor Pump has been rebuilt and re-installed. VFD installed. Repairs and Improvements complete.
1.10, 3.2, 3.7	RR054	Roads, Sidewalks, Street Lighting (Gas Tax 1)	957,727	57,406	430,262	470,059	Ongoing	Benning Drive Striping complete; Azalea Dr PO issued; Scenic 98 milling/resurfacing/striping scheduled.
3.2	RR057	Parks and Recreation	681,765	20,553	76,159	585,052	Ongoing	
3.2	RRVEH	Vehicles	523,044	62,079	407,508	53,457	Ongoing	FY22 vehicles/equipment on order include Dump Truck, Brush Chipper, JD410L Loader and two F150s.
	Growth Necessitated & Comp Plan							
	LB002	Library Impact Fee Projects	24,000	-	-	24,000		
4.10	NORG1	Norriego Point Road	380,000	8,181	51,819	320,000	Ongoing	Council-approved development order. Jenkins (engineer) is working on parking and road design. A construction road should be in place by Spring 2022.
	RC004	Park Impact Fee Projects	-	-	-	-		
4.14	SW54	Stormwater Improvements	60,000	-	9,100	50,900		Swales constructed on 3rd and 4th streets, Gulf Shore Drive swales (x2) in process.
1.5, 4.8	TR618	Zerbe-Calhoun Pedestrian Pathway (under the Marler Bridge)	155,932	6,361	149,571	-	Ongoing	Baskerville-Donovan engineering firm presented 60% design. FDOT is not supporting pathway development under the Marler Bridge due to bridge renovation plans and location of critical utility lines. Consider refocus to Stahlman.
1.10	TR619	Sibert-Zerbe Parking Lot Consolidation	150,000	-	-	150,000		
3.9	TR620	ADA Transition - Pedestrian Facilities	142,000	7,876	133,164	960	Ongoing	Phase 2 underway.
1.10	TR622	General Parking Improvements (FY22 kiosk)	30,000	-	4,426	25,574		

	Other Capital Projects							
	CE001	Code Compliance Vessel	41,000	-	7,500	33,500	Completed	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)	878,815	457,132	288,166	133,517	Ongoing	Should be substantially complete by mid March 2022.
3.5	CRH64	Harbor CRA Wayfinding Plan Signage	-	-	-	-		See 2023 budget.
4.2	CRH65	Harbor Capacity Study	250,000	250,000	-	-	Ongoing	March 15 Army Corps will present their progress at Harbor Capacity Steering Committee meeting. Contractor procurement is underway for ground surveys and aerial imagery.
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	-	-	-	-		See 2023 budget.
3.5	TR64	General Wayfinding Plan Signage	100,000	-	-	100,000		Coordinating with TDC.
3.2	IT002	CD Tech Fund Hardware/Software Replacements	75,000	16,168	-	58,832	Ongoing	
	IT003	Other Hardware/Software Replacements	38,779	22,576	-	16,203	Ongoing	
	LB001	Library Tablet Station & Biblioteca RFID and Mobil Ap	27,704	19,246	1,833	6,626	Ongoing	Tablet station is open to public. RFID tagging is complete.
	NPDES	National Pollutant Discharge Elimination System (NPDES)	32,500	-	32,500	-	Started	
	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		Staff is working to procure space and potential funding assistance.
	RC128	Morgan's Bathrooms/Storage/Fieldhouse	250,000	-	-	250,000		Staff is drafting a tentative layout for an engineering firm to start a design.
	RC129	World's Luckiest Fishing Pond at X-Town Park	-	-	-	-		
	RC130	Cultural Facilities Grant Bldg Improvements	-	-	-	-	Cancelled	Grant not awarded
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	-	429,535	360,465	Started	One IT Security project and one Stormwater project approved to date.
	TRSAF	Intersection Safety	100,000	-	17,241	82,759	Ongoing	
	SW55	Mobile Pumps and Hoses (Flood Prevention)	96,619	83,718	-	12,901	Ongoing	Received (2) 6" pumps and hoses and (1) 4" pump. A 3" pump and hoses is being ordered.
	SALLY	Hurricane Sally Repairs	58,951	57,234	2,457	(740)	Ongoing	Started Sept 2020
	SW53	Stormwater Master Plan	6,148	-	4,023	2,125	Ongoing	Started in 2018 Jenkins Engineering
	XMAS	Christmas Decorations (capital items)	68,160	69,846	-	(1,686)	Complete	
Total Funded Projects			\$ 16,641,419	\$ 1,634,022	\$ 2,946,732	\$ 12,060,664		

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	30555900	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

		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	Norriego 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



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.L.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Approval of minutes of May 2, 2022 Regular City Council Meeting

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

1. may2cc

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 2, 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 Jim Bagby

Councilmember Terésa Hebert

Councilmember Johnny King

Councilmember Dewey Destin

Councilmember Rodney Braden

Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Deputy Public Works Director James T. Hart

Public Works Director Michael Burgess

Finance Director Krystal Strickland

Land Use Attorney Kim Kopp

Deputy City Manager Webb Warren

Public Info Mgr. Catherine Card

Principal Planner Steve O'Connor

Building Official Noelle Bell

Grants/Project Manager Jeffrey Cozadd

City Attorney Associate Steve Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Bagby requested that Consent Agenda item 3G – *Quarterly Committee Attendance Report*, be placed under his name as agenda item 6D(1).

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

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

A. Proclamation - Drinking Water Week

The mayor read the proclamation designating the week of May 1-7, 2022 as *Drinking Water Week*, and then presented the proclamation to Mr. Lockwood Wernet, General Manager of the Destin Water Users.

B. Proclamation - National Public Works Week

The mayor read the proclamation designating the week of May 15-21, 2022 as *National Public Works Week* in the City of Destin, and then presented the proclamation to Mr. Michael Burgess, Director, and Mr. James T. Hart, Deputy Director, of Public Works.

C. Utility Undergrounding Update - Utility Consultants of Florida

Mark Porter, Principal, Utility Consultants of Florida, presented the following information regarding the City of Destin Utility Underground Conversion Phase 1 Project:

- Florida Power and Light (FPL) Design
 - ❖ Design deposit submitted
 - ❖ Survey Data Collection has been taking place
 - Complete data will be submitted to the engineering department with FPL
 - ❖ Preliminary Layout
 - ❖ Easements
- On-going projects throughout the state
 - ❖ Town of Longboat Key (\$50 million undergrounding project)
 - Lots of similarities with the Destin project
 - Well under budget
 - Closed to completion. Well ahead of schedule. Originally projected at 7 years; condensed down to 3 years
 - ❖ Bradenton Beach
 - Recently completed CRA projects. Very complex project. Heavy corridor. Lots of businesses.
 - Conversion of all existing overhead utilities along the major CRA corridor
 - Well ahead of schedule and under budget
- Procurement Process
 - ❖ Will start moving forward once they receive the engineering deposit back from FPL
 - ❖ FPL binding cost estimate.
 - Includes cost for the respective communication carriers
 - ❖ Secure appropriate funding sources
 - ❖ Applicable credits
 - ❖ Qualified contractors/RFQ

Councilmember Destin inquired on the status of the other communication utilities attached to the poles, asking whether the other carriers are agreeable to taking their equipment down before the power lines are placed underground.

According, to Mr. Porter, they have been working with the other carriers and checking the accuracy of the information they are receiving from them; adding they will be pushing hard to make sure they are in sync with the other carriers.

2. PUBLIC COMMENTS

Mr. Ben Causton, owner of Rhodes Auto Repair and Towing , and Mr. Scott Lee, owner of Destin Towing, urged the council to raise the maximum fees for towing of vehicles and vessels, and storage of vehicles and vessels, in Destin; adding that the rates have not been raised since 2015. They also stated that raising the fees is a must as the price of fuels and insurance costs have increased very steeply over the years.

Councilmember Schmidt stated that he fully supports this request, noting that this item is on tonight's agenda under his name.

Councilmember Schmidt moved to direct the City Manager to work with staff and bring back updated changes to Resolution 15-02, Towing Resolution; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted "yes"; Councilmember Wagner was absent from the meeting).

Ms. Madison Sullivan, a Destin resident and business owner, expressed her concern on the increased number of charters operating in Destin. On any given weekend, one could go to Joe's Bayou and witness illegal charters dropping off and picking up passengers. She was there for just 20 minutes this past Saturday and recorded two illegal boat charters from a distance operating right in front of the park attendant who took no action. She also witnessed similar incidents while at Dewey Destin Restaurant two weeks ago. She has previously called the Sheriff's Office while these illegal operations are happening on Crab Island. She was advised to take pictures and send it in. She feels there is city law against this illegal operation that is not being enforced. She owns a charter company and does everything the right way, and that it is not fair for other companies to take advantage of the system and get away with it.

Councilmember Braden stated it is not the responsibility of the park attendant at the boat launch to police this situation. It requires involvement from the Code Compliance Officers.

According to the City Manager, he has instructed the Parks and Recreation Director to work with her staff at the boat launch and educate them on the problem and what to look for so they could notify the Code Compliance Officers to immediately respond and take action.

The mayor noted that in his dealings with the US Coast Guard, Florida Fish and Wildlife Conservation Commission, and the Okaloosa County Sheriff's Office Marine Unit, is that they have to make a case that is going to stand up in a court of law. Taking pictures and submitting it to authorities is part of the process. According to the US Coast Guard, who briefed the council a few weeks ago, it takes time to conduct an investigation and make a case. But once they are caught, they pay a stiff penalty. Fines are now up to \$60,000. Just last week, an illegal pontoon operator was arrested, given tickets, and now has a pending court case.

Councilmember Schmidt recommends the city having some type of database to keep items being submitted by the citizens to identify repeat offenders and inform the park attendant so they could potentially deter this illegal operation.

Councilmember Hebert noted that some Joe's Bayou Boat Ramp attendant has reportedly told other citizens it is not their job to catch illegal operators. Since they have the control as they tell people where to launch their boats, they should be empowered to stop illegal operators from doing so.

Mr. John Stephens, a Destin resident and livery operator, noted that this same issue was brought up during the previous Okaloosa County Commission meeting. The discussion centered around the county potentially coming up with the overall solution to the problem. One of the things they talked about was hiring a law enforcement officer whose main responsibility is to enforce the law regarding this issue. The county plans to discuss enforcement actions at one of their meetings in May. He recommends having a city staff member attend that meeting.

Mr. Mike Abadie, a Destin resident and livery operator, stated that even though the Joe's Bayou Boat Ramp attendant is not a Sheriff's deputy and cannot arrest anybody, they could at least take pictures of the boat license number and turn them over to the proper authority. He stated that city regulations are being violated every day. A lot of these illegal boat operators are advertising online arranging for pick up points. He also stated that one of the things the county has instituted in their ordinance is a requirement to have brick and mortar location to operate. He recommends the city incorporating a similar requirement in their ordinance.

Councilmember Destin noted that in order to operate their boat commercially, they are required to have a State of Florida commercial sticker. Without it constitutes a violation. He also stated that when the city took over the Joe's Bayou Boat Ramp and started charging fees, they had a special rate for commercial boats, which is about \$1,000. Also, if they do not have the commercial sticker on their boat, the code should easily be enforced. He asked if this rule still applies or whether it is stricken from the ordinance.

The City Manager stated it is still available, but the previous council previously voted to allow launch and recovery of commercial vehicles on a daily basis and paying the daily fee.

Councilmember Destin recommends modifying the city ordinance as the first step, requiring a commercial sticker on boats in order to launch.

Mr. Abadie stated that livery vessel operators have a lot of enforcement ideas and would be glad to meet with city staff to share those ideas.

The mayor volunteers to meet with livery vessel operators to listen to their ideas.

Mr. Jimmy Perkins, a Destin resident and business owner, stated that legal operators are paying approximately \$10,000 more a year to operate legally. He stated that illegal operators are operating not just at Joe's Bayou but also on the harbor. Code Compliance officers need only to look online to determine the time and place where they plan to operate.

3. CONSENT AGENDA

- A. Authorization to purchase a Brush Chipper (12"), Florida Sheriff's Association Contract Pricing

- B. Boardwalk Repair and Replacement Services, authorization to award and execute contract
- C. Harbor Pump Update - May 2022
- D. Destin Little League Parade Approval
- E. Repair of Storm Sewer Pipe under Airport Road
- F. Approval of minutes of April 18, 2022 Regular City Council Meeting
- G. Quarterly Committee Attendance Report

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

4. CITY MANAGER REPORTS

- A. Solid Waste Franchise Negotiations with Waste Management, Inc.

The City Manager noted that the City of Destin is in the final year of a five-year solid waste services franchise agreement with Waste Management, Inc of Florida. This franchise agreement will expire on September 30, 2022. At the March 21, 2022 city council meeting, the council directed the City Manager to negotiate a renewal of the solid waste contract with Waste Management and to bring information back to council. Staff worked with representatives from Waste Management to structure proposed services very similar to current contract levels. The current contract and service levels have resulted in low number of complaints. Staff from Waste Management has provided proposed rates for a new franchise agreement for Destin.

Councilmember Bagby moved to direct the City Manager and City Attorney to bring back to council a Solid Waste Franchise Agreement with Waste Management, Inc. in the form of an ordinance; and set the franchise fee at 6 percent; and for the franchise fee to be dedicated as a funding source for the parks and stormwater improvements. Councilmember Hebert provided a second to the motion.

Councilmember Bagby stated they have a lot of stormwater projects and parks improvements that need to be addressed in the city. They need to have a dedicated revenue source to cover those expenses.

Councilmember Destin expressed that he supports going forward with the motion with the exception of the 6 percent franchise fee. He recommends not setting the franchise fee at this time.

Councilmember Destin offered a substitute motion to direct the City Manager and City Attorney to bring back to council a Solid Waste Franchise Agreement with Waste Management, Inc. in the form of an ordinance; and for the franchise fee to be dedicated as a funding source for the parks and for the stormwater improvements. Councilmember King provided a second to the substitute motion.

Councilmember Braden asked whether they have a dedicated revenue streams to address their stormwater issues.

According to the Finance Director, they do not have a dedicated revenue stream to address their stormwater issues at this time. What they have in the pipeline are two grant proposals – American Rescue Plan Act funding and Okaloosa Half Penny Infrastructure Surtax – that they would like to apply toward stormwater projects. Those projects will need to be brought before the council for review and approval before they can dedicate the funding towards stormwater.

Councilmember Schmidt stated that he does not feel it is necessary to set the franchise fee at this time. He also stated that even though Waste Management, Inc. is providing an excellent service to the city, he does not believe it is fair in any competitive market to not allow other companies to bid on the service to make sure they are getting the best value for their money.

Councilmember Bagby explained that they are not trying to avoid competition. The constraints are in finding another bidder who could provide the trucks, trash cans and other equipment in the time that this current bid will expire.

Councilmember Hebert stated that she does not feel a 6 percent franchise fee is asking for too much considering the level of service being provided by Waste Management, Inc.

The mayor called for a vote on the motion, which passes 4-3 (Council members Schmidt, Destin, and King voted “yes; Councilmember Hebert, Bagby, and Braden voted “no”; Mayor Jarvis cast a tie-breaking vote of “yes”).

B. Okaloosa Half Penny Infrastructure Surtax

Finance Director Krystal Strickland noted that at the January 27, 2020 Special Council Workshop, the city estimated it would receive \$12.8 million from the Okaloosa Half Penny Infrastructure Surtax that was voted in for the 10-year period January 2019 – December 2029. Council moved to allocate this Infrastructure Surtax for the following uses:

- Beach Acquisition – 75% - \$9,600,000
- Underground Utilities – 10% - \$1,280,000
- Public Works/Safety Committee identified projects – 10% - \$1,280,000
- Other projects as designated by council – 5% - \$640,000

Ms. Strickland continued that in the fall of 2021, the city signed a new interlocal agreement with Okaloosa County confirming 12.5% of the Okaloosa Tourist Development District proceeds to be dedicated for tourism-related projects in Destin, estimated at \$20 million (\$1.5 million per year x 20 years). Given the respective expenditure limitations of these revenue sources, staff’s analysis suggests that the undergrounding of utilities is a better use of the Infrastructure Surtax, and the Tourist Development dollars are a better fit for beach acquisitions. Consequently, staff proposes to change the allocation of the Okaloosa Half Penny Infrastructure Surtax. In addition, staff now estimates the city will collect over \$16 million from the Okaloosa Half Penny. Staff recommends reallocating the usage of the Okaloosa Half Penny surtax to reduce the amount dedicated to beach and to increase the amount for undergrounding, and to change the last 5% from discretionary to stormwater.

Councilmember Schmidt moved to allocate portions of the Okaloosa Half Penny Infrastructure surtax revenues as follows:

- **60% towards undergrounding utilities**
- **25% towards beach acquisition**
- **10% towards Public Works and Safety Committee initiated projects**
- **5% towards stormwater projects**

Councilmember King provided a second to the motion.

Councilmember Bagby recommends reversing the percentages for the last two items.

Councilmember Bagby offered a substitute motion to allocate portions of the Okaloosa Half Penny Infrastructure surtax revenues as follows:

- **60% towards undergrounding utilities**
- **25% towards beach acquisition**
- **10% towards stormwater projects**
- **5% towards Public Works and Safety Committee initiated projects**

Councilmember Hebert provided a second to the motion.

Councilmember Bagby noted that when the Okaloosa Half Penny Infrastructure Surtax was initiated, the council had to appoint a committee that oversaw the expenditure of this fund. The Public Works/Safety Committee was initially appointed by the council, which is why the 10% went towards the committee's-initiated projects. Subsequently, the council took back that responsibility. He added that Public Works/Safety Committee already receives gas tax money for sidewalks and roads. They already have dedicated streams and funding budget for most of their projects.

Councilmember Schmidt stated he was a member of the Public Works/Safety Committee prior to becoming a council member, and that he was under the notion committee is still responsible for overseeing the expenditure of the Okaloosa Half Penny Infrastructure Surtax and for making recommendations to council for their approval.

The City Manager will bring back some additional information that would clarify this issue.

Councilmember Braden asked if there has been some money allocated for stormwater improvements for Holiday Isle.

Public Works Director Michael Burgess noted there is a city-wide swale installation initiative in the stormwater master plan, and that there are two pilot programs or projects in Holiday Isle that will help shape future projects in that area and across the city.

The mayor asked for a vote on the substitute motion, which passes 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted “yes”; Councilmember Wagner was absent from the meeting).

C. Shore at Crystal Beach Expansion - Project and Plans Update, Invoice Approval

Deputy City Manager Webb Warren noted that in October 2020, Okaloosa County executed an interlocal agreement with the City of Destin to improve beach access in the city by acquiring and developing 3 gulf-front parcels. The city had purchase 2 parcels and that the two parcels have been cleared of structures for public use. However, negotiations for the third parcel on 2968 Scenic Hwy have stalled.

The City Attorney provided a brief update on the acquisition process. He stated there is a 50/50 partnership with the county on this project. The process they have agreed to with the county is to essentially file an imminent domain case against the property. But, before they can file that action, there are some steps that have to be taken. This council has already passed a motion of necessity. The county is going to get an updated appraisal. And once these steps are completed, the City Attorney will draft the complaint for imminent domain and bring it to the council for approval.

Councilmember Hebert moved to authorize the City Manager to execute the city’s 41% of the portion of the county’s design services contract C19-2748-PW, task order 5 in the amount not to exceed \$111,725, seconded by Councilmember Bagby. Motion passed 5-1 (Council members King, Hebert, Bagby, Destin, and Braden voted “yes”; Councilmember Schmidt voted “no”; Councilmember Wagner was absent from the meeting).

D. Announcements:

- Founder’s Day celebration, Saturday, May 7th, 11:00 AM to 1:00 PM, at the Destin Community Center
- May 16th at 6:00 PM – Regular City Council Meeting; May 17th at 5:30 PM – first City Council Budget Workshop

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 22-07-LC, which provides for amendments to Article 7 of the Land Development Code to provide minimum requirements for non-residential components in the Town Center Mixed-Use zoning district.

The City Attorney read proposed Ordinance 22-07-LC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE TO PROVIDE MINIMUM REQUIREMENTS FOR NONRESIDENTIAL COMPONENTS IN THE TOWN CENTER MIXED USE ZONING DISTRICT; 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.

Mr. Mike Steiner, former Destin resident and a real estate business owner, spoke against the 20 percent commercial requirement to an existing zoning ordinance. He stated it may result in some unintended consequences that may have to be considered before approving it. He continued that the previous proposal of 10 percent is much more reasonable allocation of commercial use. He urged the council to revisit this issue.

The Land Use Attorney explained it is still 10 percent for the zoning district. The ordinance is not site specific. It is for the entire Town Center Mixed-Use. The only areas that are 20 percent are the city's commercial corridor of the US Hwy 98 and Main Street at the request of council.

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

Councilmember Bagby moved to adopt proposed Ordinance 22-07-LC on second reading, as presented; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted "yes"; Councilmember Wagner was absent from the meeting).

- B. First reading of Ordinance 22-06-LC, which changes the list of permitted uses in the Industrial zoning district to allow for one custodian or nightwatchman dwelling per industrial site and establishes maximum square footage for the dwelling unit.

The City Attorney read proposed Ordinance 22-06-LC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CHANGING THE LIST OF PERMITTED USES IN THE INDUSTRIAL ZONING DISTRICT TO ALLOW ONE CUSTODIAN OR NIGHTWATCHMAN DWELLING PER INDUSTRIAL SITE; AMENDING TABLE 7-2 "TABLE OF ALLOWABLE USES"; ESTABLISHING A MAXIMUM SQUARE FOOTAGE FOR CUSTODIAN OR NIGHTWATCHMAN DWELLING IN THE INDUSTRIAL ZONING DISTRICT; 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 item and turned the matter over to the city council for their discussion and consideration.

Councilmember Bagby moved for approval of Ordinance 22-06-LC on first reading, as presented. Councilmember King provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted "yes"; Councilmember Wagner was absent from the meeting).

Councilmember Destin recommends adding a language in the proposed ordinance that the person that will occupy the dwelling unit be an employee or independent contractor of the property owner or property manager.

- B. First reading of Ordinance 22-08-CN, which provides for extension of Ordinance 21-23-CN (Temporary Moratorium on Livery Vessel Permits), extending the temporary moratorium until December 31, 2022, and directing staff to develop recommendations for regulation of livery vessels.

The City Attorney read proposed Ordinance 22-08-CN by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR EXTENSION OF ORDINANCE 21-23-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); EXTENDING THE TEMPORARY MORATORIUM UNTIL DECEMBER 31, 2022; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Mr. Cyron Marler, a Destin resident and former council member, argues that livery operators have been under restriction for nearly 4½ years, and that they are being punished for something that is not entirely their responsibility. He does not want to turn this into another crosstown connector which has been under discussion for nearly two decades and still has not started. He urged the council to lift this restriction on livery operators.

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

Councilmember Destin moved for approval of Ordinance 22-08-CN on first reading, seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted “yes”; Councilmember Wagner was absent from the meeting).

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

A. Councilmember Braden

Councilmember Braden inquired as to the status of the property located at the foot of the Marler Bridge that was to be demolished.

Building Official Noelle Bell reported that they have received a quote from a company and that they are very closed to scheduling the demolition of the property.

B. Councilmember Wagner

C. Councilmember Destin

Councilmember Destin suggests conducting workshop sessions to discuss matters that usually contribute to long council meetings. He would like staff to provide some recommendations.

D. Councilmember Bagby

1) Quarterly Committee Attendance Report

Councilmember Bagby noted this report was provided to the council by the City Clerk. He has discussed attendance issues with the members that he nominated to the committees.

Next, Councilmember Bagby recommends assigning a Code Compliance officer at Joe's Bayou at least from 9:00 to 11:00 AM on Saturdays to issue citations and to help discourage illegal operations taking place at that location.

E. Councilmember Hebert

1) TDC Update and Presentation

Councilmember Hebert provided the following presentation on behalf of the TDC Director Jennifer Adams.



Continue with the success from last year and bring back what worked.

Golf carts in Crystal Beach

Popsicle carts in Okaloosa Island

Sand stamps throughout entire destination

Storefront signage expand beyond Destin Commons to Ft. Walton Beach

- Ads in the Sand – big stamp that is stamped into the sand to help create what is available – from golf cart rides in Crystal Beach Shores, popsicle carts in Okaloosa Island, storefront signage expand beyond Destin Commons to Fort Walton Beach that speak to the programs for the Little Adventures.

- ❖ Quite a success last year. They are being brought back this year
- ❖ Two council members have volunteered to be golf cart drivers



Wrap booths and hand out Little Adventure maps. Push notifications to send mom as they go through booths.

- As people come through the Mid-Bay Bridge, the toll workers will be handing out Little Adventures maps showing all the things children can do that are either free or at low costs

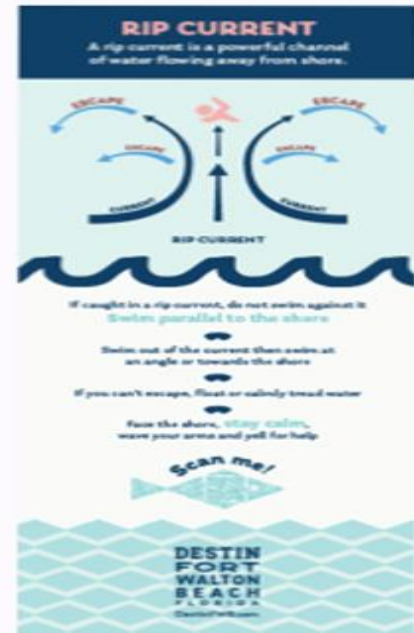


A map that shows all of the Little Adventures in one place. This map shows how close mom is to adventures and which adventures they can do right now. Includes QR codes to engage mom further.

This will also live digitally on our website as well.

The map will be handed out at toll booths, Lodging partners, restaurants, welcome center, state parks, on golf cart rides and at popsicle carts

Water Safety Campaign



- Spearheaded by Councilmember Hebert.
 - ❖ Water safety brochure designed to align with the Little Adventures
 - ❖ Flag Warning System – includes color coded maps and what each color signifies
 - ❖ Instructions on how to swim out and swim away, and come back into the shore when caught in rip current



- Installation monument markers on the beach for public safety
 - ❖ Aligned with FDEP's R system placed every 500 feet starting on Okaloosa Island working its way to Destin
 - ❖ Allow for the accurate location of people involved in accident on the beach

Trash cans



- Encourage beach clean-ups in parks by adding Little Adventures trash cans to be placed on areas where they can be handled by a person rather than a big truck pick-up

BEACH

Adventure is close signage

Idea: Show families that they are never far from adventure with permanent signage.



- Permanent signage to be strategically placed to promote the Little Adventures
 - ❖ Above picture is at Beasley Park to promote the Gulfarium

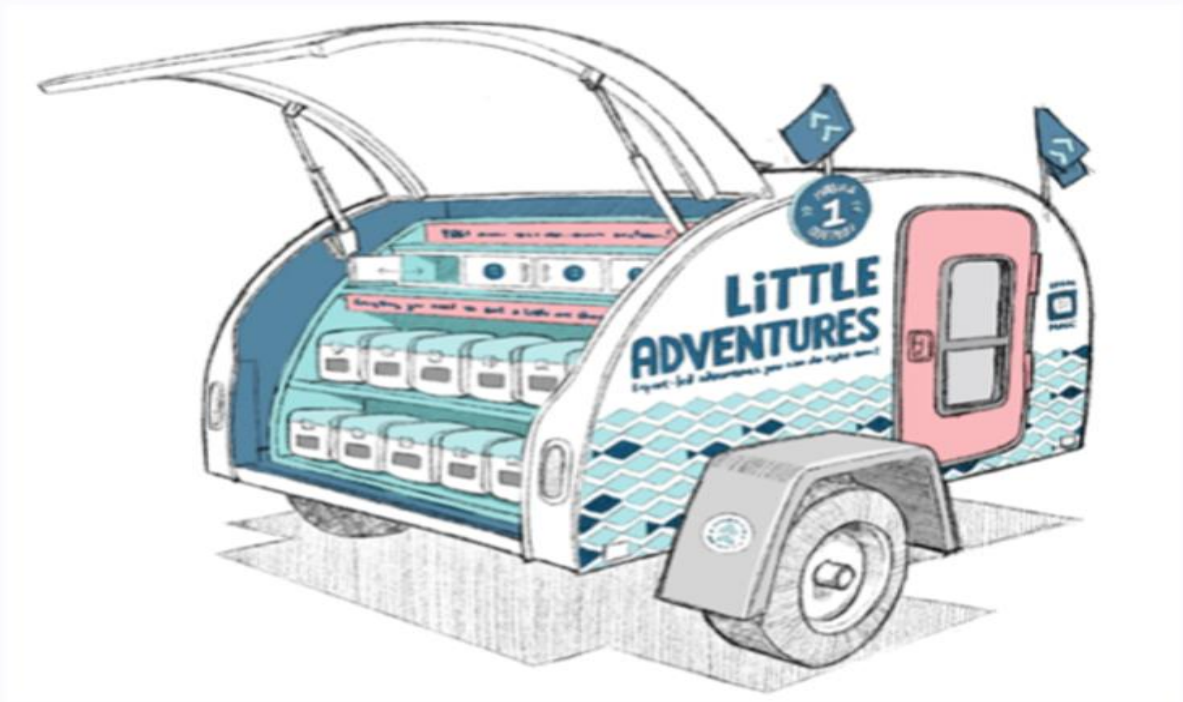


- Packs pair the water based partners with local restaurants
- TDC pays local pack partners 50% of the total costs
 - ❖ Keep the costs down for the moms and dads bringing the kids into town for events. TDC offsets the bulk of the costs
- Promotes the local economy and offers the Little Adventures to the moms who may not know the great things that are available rather than just to go to the beach
-



- Little Adventures building at Crystal Shores. Another one called The Pop-up (below) should be ready in May.

Destination Stewardship



- Resembles little campers that can be utilized throughout the county, in the parks and other locations

F. Councilmember King

G. Councilmember Schmidt

1) Towing Resolution – Item discussed earlier in the meeting.

Councilmember Schmidt stated that even though he appreciates the mayor and livery operators' willingness to meet and discuss ways to control illegal charter operators in Destin, he believes they already have the means to control them and do not need any new ideas. For instance, they already have a person at Joe's Bayou who controls the boat launch at the boat ramp but has done nothing about it such as documenting repeat offenders; thus, allowing people to operate illegally.

The City Manager noted that a park attendant at Joe's Bayou has no authority to order anyone to disembark off their boat, issue citations, or arrest anyone. Their main responsibility is to make sure people are paying as they go through and maneuver their boat properly. He continued that Code Enforcement Officers can only issue citations, however, if an individual refuses to cooperate, their only option is to call a law enforcement officer to issue a trespass order.

Councilmember Schmidt suggests park attendants be afforded more training, more authority, and possibly an increase in pay. He continued that if they encountered an illegal operator who refused to cooperate, to avoid an altercation, they could at least call the Sheriff's Department who should be able to dispatch an officer to the site in a matter of minutes.

The mayor stated that since they are rewriting their Land Development Code, they need to work with staff and attorneys to put stronger and more effective enforcement capability for their rules and regulations.

Councilmember Schmidt maintains that legislations are already in place to some degree. They just need to be enforced.

- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

7. PUBLIC COMMENTS

Mr. Torey Geile, a Destin resident and business owner, urged the council to consider dedicating at least a percentage of parking places to either Destin residents or to those people with Florida license tags only in making the investment for the Shore at Crystal Beach expansion. He also noted that the Okaloosa County Sheriff's Department has posse program where they issue uniforms, badges, and firearms, as well as issuing authority to detain people. He recommends making these prerequisites for the Joe's Bayou attendant position.

Ms. Marcie Bell, a Destin resident, noted that at times there are constructions that go on around the city that the city's Building Department does not know about because they are not permitted, which is why when she sees construction, she reports it to the city. Her biggest concern are the town home buildings as she lives in one of them. People do electrical work, plumbing work, and removal of structural walls without first requesting building permits from the city. These types of work could affect the entire building which could cause it to collapse.

Ms. Bell also alluded to the vote the council took earlier about dedicating the Waste Management franchise fee for stormwater improvements. She noted that Holiday Isle will not benefit from it as they are not currently included in the city's stormwater management plan.

Having no further business at this time, the meeting was adjourned at 9:50 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Consent Agenda
AGENDA OUTLINE NUMBER: 3.M.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Draft Minutes of Board and Committees

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

- 1. 4-6-22 BOA
- 2. 4-13-2022 - hcraac
- 3. 4-20-2022 tcraac
- 4. 4-25-22HB

DRAFT
**BOARD OF ADJUSTMENT
DESTIN CITY HALL BOARDROOM
WEDNESDAY, APRIL 6, 2022
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, April 6, 2022, at Destin City Hall Boardroom.

2. ROLL CALL & PLEDGE OF ALLIGENCE:

Present:

Tom Weidenhamer
David Emerson
Cyron Marler
James Moomaw
Robert Pinard

Absent

Kimberley Mergler
Daniella Piper

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

Vice Chairman Emerson moved to approve the minutes of the December 8, 2021 meeting as corrected with Chairman Weidenhamer provided the second to the motion and the passed 5-0.

4. NEW BUSINESS: The decision was made to hear 155 Calhoun Variance first since the applicant for 21-43-VR

A. 22-08-VR 155 Calhoun Ave. Variance Request

Ms. Shirley Perman is requesting variance from Article 11.05.00 - Marina Siting of the Land Development Code (LDC) due to no application for replacement and/or repair records of sustained damage to the dock within six months. The proposed project intends to restore the previously existing dock to its original style and location. Therefore, the applicant is requesting a variance from:

Article 11, Section 11.05.00. - Marina Siting: This article establishes and regulates procedures and standards by which the city controls and regulates development, construction, and activities within and contiguous to the Harbor and Waterways of Destin. The following regulations and prohibitions shall apply to the Harbor and Waterways of Destin. Specifically, in this case, the applicant is requesting a variance from the twenty-five foot (25') property line setback, without property owner's permission, as listed in 11.05.01.S. and;

DRAFT

Article 11, Section 11.05.10. - Reconstruction of existing facilities: For existing facilities which are damaged by accidents, vandalism, ordinary wear and tear or acts of God, the provisions of paragraphs F, G, M, and N of Section 11.05.01 shall not be applicable to reconstruction so long as the damaged facilities are reconstructed in the same or lesser dimensions and so long as the construction permit is applied for from the city within six months of the sustaining damage.

The Land Use Attorney (LUA), Ms. Kim Kopp waived the reading of the application into the record.

Chairman Weidenhamer accepted the party status for the adjacent property owner, Mr. Tim Shore.

The City Attorney swore in all members that would be providing testimony for the case.

Ms. Shirley Perman explained to the Board she purchased the property last year and spoke of her intention of wanting to rebuild the dock to its original historical location and length and also for the health of the marine ecology that is present. She explained how she was under the assumption that all she needed was to go on to the FDEP website and get her self-certify permit since the dock was being rebuilt in its original board for board location. However, when the pilings were being replaced, she was issued a Stop Work Notice from the city. She explained further that when meeting with the planning department staff, that is when she learned she needed to get building permits. Subsequently, when she applied for them, she also learned that the original dock does not meet the riparian setback requirements. She spoke of how she went to the next door neighbor, Mr. Tim Shores and explained her intentions of rebuilding to its original state. However, he was not agreeable for fear that there might be an addition added later on that could potentially block his view, and is why she is here now, to ask for a Variance to rebuild a dock to its original state, noting that she not even asking to go out as far as she is allowed to, nor does she want to. Additionally, she expressed that she does not have any intention to add a boat lift or boat house either. She then introduced her tenant who lives the property who is the son to the original property owner and is available for testimony and any questions the Board may have for him.

Mr. Gail Milligan spoke to the board about growing up on the property and how there was always a dock at the property as far as he can remember. He also spoke of how the dock was always shorter than any other docks on the water, and how the property went into disrepair when his aging mother's health went into decline and subsequently how the dock was heavily damaged by hurricane Opal and other storms however, he was financially unable to get it repaired because of the cost of health care for his mother.

Chairman Weidenhamer asked Ms. Perman if she intended to use the original pilings. Ms. Perman stated no because they are rotted and could not be reused.

DRAFT

Steven Tatum, representing the adjacent property owner, Tim Shores, stated that his client is simply asking for the 25-foot setback requirements in the city codes so that his view would not be blocked. He additionally pointed out that the FDEP permit requirements is 1-year after the structure is destroyed to rebuild the way it was, and they are now way past that deadline. He also spoke of how they feel rebuilding to the 25-foot setback would not make a difference for her property.

Mr. Tim Shores spoke of how the dock does not meet the board for board requirements of the code since it has been in disrepair longer than the 1-year deadline. And how he tried to come to an agreement with Ms. Perman, but they could not.

The Chairman asked if any of the work has already been performed. According to the Ms. Perman, so far only about 1/3 of the pilings have been installed.

After a brief break, Mr. Tatum reiterated that the setback requirements, staff does not support the request, and the proposed project does not meet the code. He also reiterated how there is plenty of room on the property for the project to be built to the requirements of the code.

Ms. Perman explained that she understands her request does not meet code, but the location of the original dock has been there for over 60-years and it does not interfere with any view corridors and there are sea grasses present that she does not want to disturb if built to the setback requirements.

Motion by Chairman Weidenhamer to grant the Variance request to reconstruct the dock in the current position with the strict provision that no permanent structure is to rise above the surface of the deck. Board member Marler provided the second for the sake of discussion.

Board member Marler spoke of how the property most likely was originally owned by some of the founding families being either the Destin's or the Marler's and how back then, property lines were not even an issue when it came to building docks to access the water.

According to the LUA, staff has a point of clarification on the motion with regard to the language. She then asked Mr. O'Connor to explain.

According to Mr. O'Connor, permanent structures cannot be constructed over submerged land leases, so the language needs to be changed to *minor structure* since they are meant to be built on a temporary basis. Which essentially means that they can be blown away with extreme wave or wind action.

Chairman Weidenhamer amended the motion to read, **"To grant the Variance request to reconstruct the dock in the current position with the strict provision that no minor**

DRAFT

structure is to rise above the surface of the deck.

For clarification purposes, Board member Marler asked if that he means no boathouses or similar structures? Chairman Weidenhamer's reply was yes, that is correct. **The motion passed with a vote of 4-1, with Vice Chairman Emerson dissenting.**

B. 21-43-VR Waverly Circle Variance Request

Board member Marler informed the hearing that he will be abstaining from any voting because he is employed by a division of Legendary Inc., LLC.

The City Attorney swore in all individuals to provide testimony. He then explained the Code requires the reading of the application and the published notice into the record unless it's waived by the applicant.

Both the applicant, Mr. Rodney Chamberlin and city staff agreed to waiving the readings into the record.

Mr. Rodney Chamberlin provided the reasoning as to why they are requesting the Variance to eliminate a poorly designed round-about and make it a two-way street and fix all of the alignment problems, which would also correct the driver behavioral problems that exist. Additionally, these corrections would also provide the intersection spacing required by code. He then explained how they investigated the traffic at the location and there are ongoing problems with trucks, especially delivery trucks trying to navigate the roundabout but not being able to without going off the roadway

Chairman Weidenhamer asked Mr. Chamberlin if the streets within the gated community are the ones are being corrected. According to Mr. Chamberlin, they are.

Chairman Weidenhamer opened the hearing to the public.

Barbara Comes of 480 Gulf Shore Drive, Unit 110 Magnolia House spoke of how she was under the impression that in order to apply for a Variance, the situation has to warrant causing problems or is currently unsafe. And that to her, she feels that neither is the issue for this request. She said the roundabout has been there for over 30-years and it facilitates traffic flow and to her, making it a two-way stop sign would be too confusing. She spoke of the numerous pedestrians making their way to the beach, utilizes the green space's park like area and feels this is just an appeasement to the property owners who may have future plans for that general area.

Joan Lewis owner of Destin Point feels the roundabout slows the traffic down and she's concerned that the green space in the immediate location will be destroyed by plans of subdividing it to build more homes. Additionally, to her, roundabouts work, this one works, and

DRAFT

she does not see the point in trying to do away with something that is effective.

With no further comment from the public, Chairman Weidenhamer closed the public portion of the hearing and asked the board members to comment on a motion.

The City Attorney asked Mr. Chamberlin if he had any additional information to add.

According to Mr. Chamberlin, this particular roundabout is far too large for its location and the character does not fit, from an engineering standpoint.

Board member Emerson asked Mr. Chamberlin if the southwest curve of the original roundabout between Melrose and the short leg area is staying as it is. According to Mr. Chamberlin, it is. Board member Emerson verified with Mr. Chamberlin the different scenarios where there are traffic issues with larger trucks not being able to make the turns. Mr. Chamberlin explained that when Waverly is moved over, to become a traditional 90° intersection, that will correct those problems. Additionally, they ran an analysis of the turns, they used the largest type truck that would use the roundabout, that being a DFCD fire truck, and the analysis showed those type of trucks make the two way turns better.

Board member Emerson then addressed the comment made about plans to subdivide the green space and asked Mr. Chamberlin if he was aware of those plans. According to Mr. Chamberlin he is not aware of any plans to do that. That they were contracted to reconfigure the area where the round-about is located and to improve the pond area as a greenspace for the community, as mentioned in the memo.

Motion by Board member Emerson to recommend the Board of Adjustments approve the Variance Request 21-43-VR with Board member Moomaw providing the second. A roll call vote of 5-0 was taken and the motion passed.

5. ADJOURNMENT:

There being no further business the meeting was adjourned at 7:20 p.m.

Adopted and approved this _____ day of _____ 2022.

Tom Weidenhamer, Chairman

Kim Montgomery, Deputy City Clerk

DRAFT

**MINUTES
HARBOR COMMUNITY REDEVELOPMENT
AGENCY ADVISORY COMMITTEE MEETING
APRIL 13, 2022 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Board member Trammell called the meeting to order at 5:38 p.m. on Thursday, April 13, 2022, in the Destin City Hall Council Chambers.

2. ROLL CALL & PLEDGE OF ALLEGIANCE:

Present

Sandy Trammell
Jan Best
Mike Raim
Ian Blaise
Casey Jones in at 6:30 p.m.

Members Absent

Mike Buckingham
James Green

Staff Present

Kim Montgomery Deputy City Clerk
Steven O'Connor Principal Planner
Tunazzina Alam
Joe Bodi, Engineering Asst. II.

3. ACTING CHAIR NOMINATIONS:

Motion to appoint Sandy Trammell as Chairman Pro Tem was made by Board member Best, with Board member Blaise providing the second. The motion passed 4-0. Committee member Jones was not present for the vote.

4. MINUTES: February 9, 2022

Motion to approve the minutes of the February 9, 2022 meeting as corrected, was made by Committee member Raim with Committee member Best providing the second. The motion passed with a 4-0 vote for approval. Committee member Jones was not present for the vote.

5. OLD BUSINESS:

None

6. NEW BUSINESS:

➤ Development Project Update

Ms. Alam explained to the members the city planning department has received three new projects, with 12 total under review, and two have been approved.

Chairman Pro Tem Trammell asked about the status of Heritage Park.

According to the City Attorney, due to come change orders, it has been extended to May 11, 2022, it is at the 70% finished status at this time with the grant close out taking place at the end of May.

➤ 2022 Stormwater Master Plan Project List & Study Areas – Joe Bodi

Mr. Bodi presented the 2022 Stormwater Master Plan Update from the original 2004 City Wide Stormwater Master Plan to the members. Explaining the plan provides mitigation and strategies for Code

revisions to both the Land Development Code and the Comprehensive Plan to ensure consistency for both as well as creating sub-drainage basins using LiDAR which will be conducted by the City's Continuing Services Contractor Jenkins Engineering.

The update identified three (3) study areas, and thirteen (13) drainage projects. The projects were prioritized based upon the Level of Service (LOS) established under the 2004 SWMP list of projects, the SWMP proposes a City-wide Swale Initiative. The City-wide Swale Initiative will identify additional public right of way and reestablish existing roadside swales (i.e., 3:1 slope) to further improve the MS4 and City LOS for drainage. Furthermore, private stormwater facilities, approved through the Development Order process, will also be part of the City-wide initiative. However, the reestablishment and maintenance responsibility will fall upon the respective homeowners, HOA's or Property Management Company.

The following objectives are:

- Identify the City's changing needs regarding storm water runoff, from quantity to quality.
- Identify flood mitigation and water quality improvement projects and study areas.
- Provide policy recommendations to provide clear expectations and address deficiencies in the Comprehensive Plan and Land Development Code.
- Provide an avenue for a dedicated funding source for stormwater facilities maintenance and repairs to continue compliance with the State of Florida's National Pollutant Discharge Elimination System (NPDES).

The following are the study areas identified projects, listed in priority, based upon the 2004 LOS:

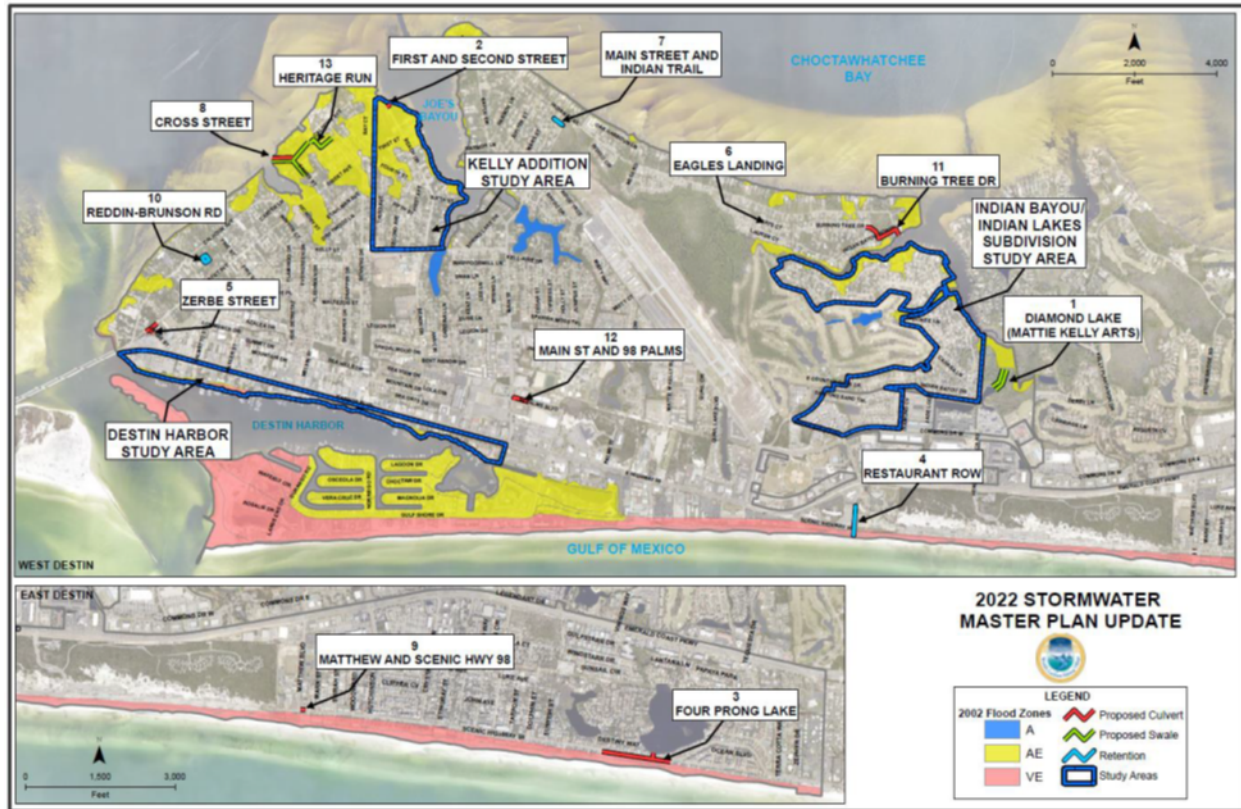
STUDY AREAS

Indian Bayou/Indian Lakes
Kelly Addition Subdivision
Destin Harbor

PRIORITY PROJECTS LIST

Diamond Lake (Mattie Kelly Arts)
First and Second Street
Four Prong Lake
Restaurant Row
Zerbe Street
Eagles Landing
Main Street and Indian Trail
Cross Street
Scenic 98 and Matthew Boulevard
Reddin Brunson
Burning Tree
Main Street & 98 Palms

Heritage Run



Chairman Pro Tem Trammell asked if there are any plans to include in the study the stormwater that flows into the harbor. Mr. Bodi explained that in the study areas, the harbor, in its entirety is included. Explaining further that it will take a lot of time and effort to determine what is going into the harbor and what can be done to keep the pollutants out, and once that is determined, then most likely, there will be additional projects created as a result of that study. Mr. Bodi also brought to the attention of the members the map does not properly depict the study area and will be updated to reflect the entire harbor area and not just the north side.

There was a brief discussion regarding the city wide swale initiative and how landscapers need to stop blowing grass clippings and leaves into the roadways.

Motion by Committee member Raim, seconded by Committee member Blaise to recommend city council direct staff to create an ordinance to protects the stormwater drainage system from anyone blowing debris into the street so that it does not clog the stormwater system. The motion passed 4-0. Committee member Jones was not present for the vote.

Motion by Chairman Pro Tem to recommend to City Council to approve the list of priority projects with recommendations and study areas as presented. Committee member Raim provided the second. The motion passed with a 4-0 vote. Committee member Jones was not present for the vote.

Committee member Blaise asked how this now gets to Council. According to the Chairman Pro

Tem, it is the responsibility of the Chairman of the committee to get the information to Council. Additionally, she explained when the Work Plans and Annual Reports are presented to Council all of the motions are included in the Annual Reports.

Mr. O'Connor explained how he is their staff liaison and is available to speak to each of them on any topic they may want to speak about. He briefly spoke of how he has been working with Committee member Best on facilitating the Harbor CRA Master Plan, as an example.

The City Attorney added that he met just today with the City Manager, the Deputy City Manager and Council member Bagby regarding working on a plan for formal training with staff and the members in the near future.

*Committee member Jones entered the meeting at 6:05 p.m.

Committee member Blaise asked about the past motion they made regarding their meeting times being reduced for the summer months when the season is high and where they are on that topic.

Committee member Best spoke of how in all of her years serving on the committee they always have had a reason to meet every month and what is the purpose of having a committee if it doesn't meet. The City Attorney pointed out that it was his understanding that they would still meet in those months if there was a need.

Motion by Committee member Best, seconded by Committee member Jones to meet in the month of May to reassess their involvement for the committee. The motion passed 5-0 with Committee member

Motion by Committee member Best to address their work plans for the coming year at the May meeting with Committee member Jones providing the second. The motion passed with a 5-0 vote.

7. COMMITTEE MEMBER COMMENTS:

Committee member Raim spoke of the ongoing safety issues in the city and especially around the west end of the harbor district on electric bicycles, regular bicycles, LSV/golf carts not obeying the roadway rules.

According to the Pro Tem, she would like to have someone from the Sheriff's Office come to a meeting to discuss the ongoing traffic issues.

Mr. O'Connor spoke of how staff is currently working on a city wide safety plan and the process will be presented in May, possibly the May 16, 2022 Council meeting. Adding that if approved by Council staff will then begin the development of the plan with the Public Works Safety Committee and that will include the public engagement portion of the plan.

There was a discussion on how that process works and how this committee would like to be involved in the process for their portion of the harbor district. The City Attorney advised the members that if they want to be more involved in their area to ask to be on the agenda to speak to council about their wishes

Board member Jones apologized for being late because of an incident at his restaurant.

Committee member Blaise inquired about having a representative from the Coast Guard and Code Compliance to attend their next meeting. Adding that he would like to get some guidance on some of the activities that are taking place on the area waters. The decision was made to have the item listed under Committee member Blaise's name until they can have those attend.

Chairman Pro Tem suggested he watch the May 2, 2022 Council Meeting as well as getting in contact with Councilmember Destin and to start creating his work plan item to possibly discuss at their next meeting.

8. ADJOURNMENT:

Having no further business at this time, the meeting was adjourned at 6:35 PM.

Adopted and approved this ____ day of _____ 2022.

Mike Buckingham, Chairman

Kim Montgomery, Deputy City Clerk

DRAFT

**MINUTES
TOWN CENTER COMMUNITY
REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
APRIL 20, 2022 - 5:30 PM
DESTIN CITY HALL BOARDROOM**

1. CALL TO ORDER:

Chairman Wernet called the meeting to order at 5:30 PM on Wednesday, April 20, 2022 at the Destin City Hall Boardroom with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Members Present

Lockwood Wernet
Michele Sandstead
Delores Morrell
Matthew Sweetser

Members Absent

Alexander Santos

Staff Present

Kim Montgomery Deputy City Clerk
Daniel Butler Senior Planner
Sae More, Planner
Joe Bodi Engineering Asst. II

2. APPROVAL OF MINUTES: April 20, 2021

Motion by Committee member, Morell seconded by Committee member Sweetser to approve the April 20, 2021 meeting minutes as corrected, passed 4-0.

3. OLD BUSINESS:

None

4. NEW BUSINESS:

➤ **Town Center CRA Development Projects Update**

Ms. More provided the members with the development projects in the Town Center CRA.

Committee member Sandstead asked what the status is for the Linear Park.

According to the Chairman, he understands that \$270k has been set aside for the park.

According to Mr. Bodi, the city applied to the State for the funding to be set aside for the design of both Phase I and Phase II.

Committee member Sweetser inquired about the portion where some homeowners may lose a portion of their property. According to Mr. Bodi, that would be part of Phase III of the plan

to obtain necessary right-of-way. However, that should not be an area of concern, as the right-of-way has been moved further south and he does not think it'll be an issue. There also was a brief discussion regarding Phase IV of the project, which is the area behind Twin Lakes where wetlands are present. Mr. Bodi explained that he would be glad to come back to another meeting with the preliminary plans to describe the plans for the phases.

➤ **2020 Stormwater Master Plan**

Mr. Bodi presented the 2022 City Wide Stormwater Master Plan (SWMP) to the members. Explaining the plan provides mitigation and strategies for code revisions to both the Land Development Code and the Comprehensive Plan to ensure there is consistency in both. He spoke of the sub-drainage basins using LiDAR that will be conducted by the City's Continuing Services Contractor Jenkins Engineering.

According to Mr. Bodi, three (3) study areas, and thirteen (13) drainage projects were identified, and the projects were prioritized based upon the Level of Service (LOS) established under the 2004 SWMP list of projects, the SWMP proposes a City-wide Swale Initiative. The City-wide Swale Initiative will identify additional public rights of way and reestablish existing roadside swales (i.e., 3:1 slope) to further improve the MS4 and City Level of Service (LOS) for drainage. Furthermore, private stormwater facilities, approved through the Development Order process, will also be part of the City-wide initiative. However, the reestablishment and maintenance responsibility ultimately will fall upon the respective homeowners, HOA's or Property Management Company to maintain them.

The following objectives are:

- Identify the City's changing needs regarding storm water runoff, from quantity to quality.
- Identify flood mitigation and water quality improvement projects and study areas.
- Provide policy recommendations to provide clear expectations and address deficiencies in the Comprehensive Plan and Land Development Code.
- Provide an avenue for a dedicated funding source for stormwater facilities maintenance and repairs to continue compliance with the State of Florida's National Pollutant Discharge Elimination System (NPDES).

The following are the study areas identified projects, listed in priority, based upon the 2004 LOS:

DRAFT

STUDY AREAS:

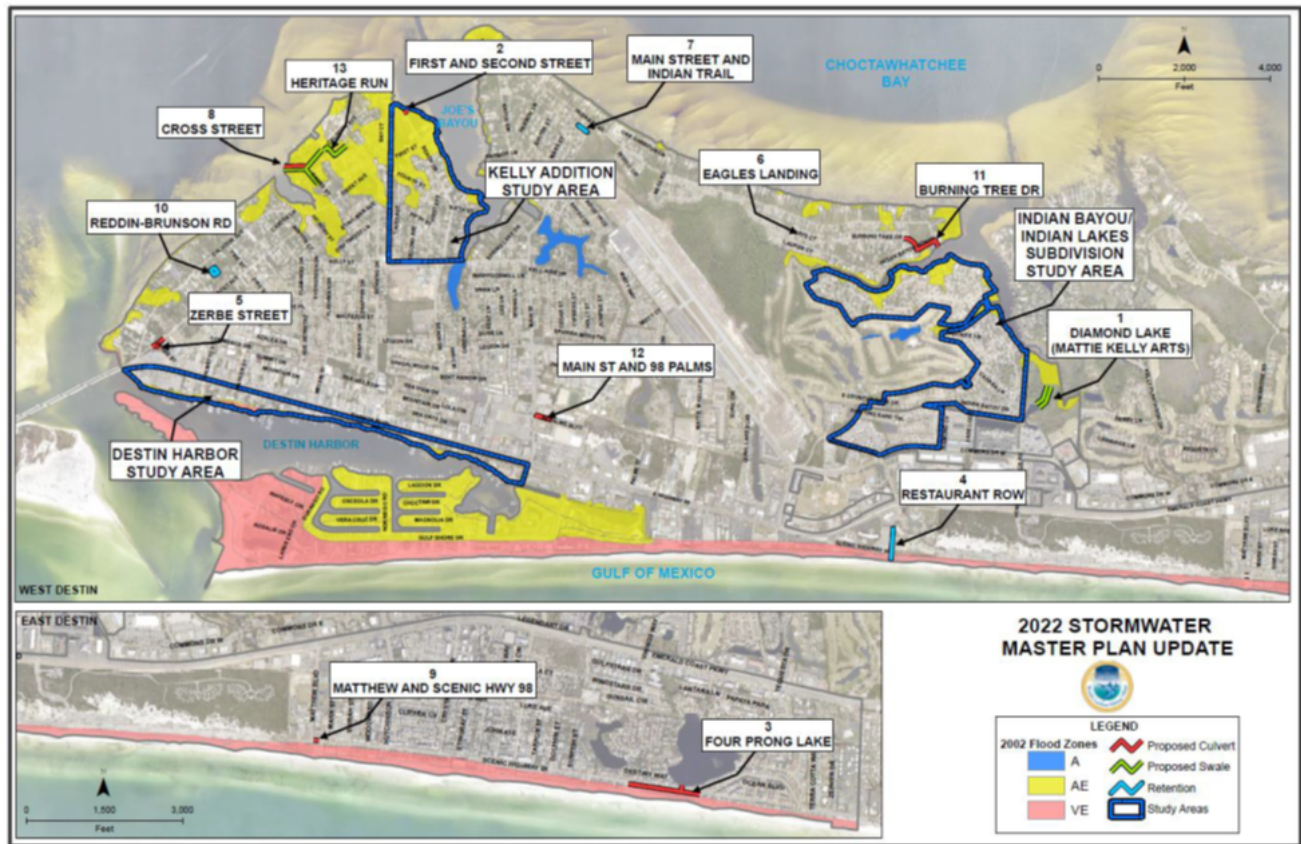
Indian Bayou/Indian Lakes
Kelly Addition Subdivision
Destin Harbor

PRIORITY PROJECTS LIST:

Diamond Lake (Mattie Kelly Arts)
First and Second Street
Four Prong Lake
Restaurant Row
Zerbe Street
Eagles Landing
Main Street and Indian Trail
Cross Street
Scenic 98 and Matthew Boulevard
Reddin Brunson
Burning Tree
Main Street & 98 Palms
Heritage Run

Mr. Bodi pointed out to the members that the study area for the harbor is incorrect on the map and needs to show the entire harbor area and not just the northern boundary, as depicted.

(NEXT PAGE)



Committee member Sweetser inquired what the plan for 1st & 2nd Street stormwater is. According to Mr. Bodi, the plan is to have an outfall installed on Beach Drive, referring him to page 19. Additionally, Mr. Bodi explained that the vacant wooded lot near his residence drains into Mattie Kelly Park and Nature Walk and will be part of the study area and will need to be surveyed by the city Engineering Consultant.

Committee member Sandstead asked if there are any plans for the Calhoun Avenue/Kelly Street area for stormwater and spoke of how the adjacent property to her residence gets swampy after heavy rains. According to Mr. Bodi, because there has not been any structural or road flooding, that has occurred from that general area, it is not included in the plans. Adding that the city cannot do anything if it happens on private property.

Motion by Committee member Sandstead to recommend City Council approve the list of priority projects and study areas as presented. Committee member Morrell provided the second. A roll call vote of 4-0 was taken and the motion passed unanimously.

➤ **Work Plans – Daniel Butler**

Mr. Butler explained to the member that staff is looking for a recommendation from them for the following work plan items:

- Plan Design Gulf Power Easement
- Landscape improvements for the CRA District
- Review and revise Town Center Master Plan
- Research grant opportunities for the Town Center CRA

There was a discussion regarding how two members could work on one plan with the Sunshine Law limitations. According to Mr. Butler, the staff liaison would need to be contacted by each who would then email the other Committee members for any comments or input.

Committee member Morrell spoke of how she really wants to get the residential areas of the Town Center cleaned up and mentioned that if staff would take pictures and provide them to her, she would then start working on the plan. There was a brief discussion regarding who could get out and take the photos. Mr. Butler informed her that he would discuss this with staff, and someone would get back with her.

Motion by Committee member Morrell to accept the 2022 work plan items for the Town Center CRA Advisory with Committee member Sandstead providing the second. In discussion, the Chairman clarified that this motion does not exclude anyone from coming forward with additional work plan items they may want to include throughout the year. **The motion passed 4-0.**

5. COMMITTEE MEMBER REPORTS:

Committee member Sandstead inquired about the status of Council filling the empty seats so that they can meet more than once or a few times a year. The Clerk informed the members there are five members on this committee at this time. He also mentioned there are three Council seats up for election in November and there will be the potential for those seats to be filled.

Committee member Sandstead then inquired about the status of shopping center.

According to Mr. Butler, a grocer company did contact the city and made inquiries about the property but so far, no one has purchased it. He also explained that the old Popeye's building has had a building permit pulled to turn it into a Japanese Restaurant.

6. PUBLIC COMMENTS:

None

7. ADJOURNMENT:

Having no further discussions, the meeting was adjourned at 6:20 PM.

Adopted and approved _____ day of _____ 2021.

Lockwood Wernet, Chairman

Kim Montgomery, Deputy City Clerk

**MINUTES OF THE
HARBOR AND WATERWAYS BOARD MEETING
DESTIN CITY HALL, APRIL 24, 2022 - 5:00 P.M.**

1. CALL TO ORDER:

Chairman Hoey called the Destin Harbor and Waterways Board meeting to order at approximately 5:00 p.m. on Monday, April 24, 2022, at Destin City Hall, with the Pledge of Allegiance immediately following.

2. ROLL CALL:

Member Present:

Richard Hoey
Guy Tadlock
John Stephens
Bill McKissick

Members Absent

Harvey Hurst
Casey Jones
Jim Green

Staff:

Kim Montgomery Deputy City Clerk
Daniel Butler Senior Planner
Tunazzina Alam Planner
Sae More Planner
Kyle Bauman City Attorney

3. APPROVAL OF MINUTES:

➤ **March 28, 2022**

Motion by Board member Tadlock, seconded by Board member Stephens to approve the March 28, 2022 minutes as written.

4. PUBLIC COMMENTS:

None

5. NEW BUSINESS:

A) Proposed residential marine construction project at 621 Calhoun Avenue

Ms. More explained Maraman Construction, Inc, on behalf of Leonard Emmick has submitted an application for Harbor and Waterways Board review for construction of a 95' x 5' access pier, one (1) 20' x 20' covered dock, and one (1) 12' x 8' platform, comprising 971 square feet.

Additionally, the contractor has provided the city a Florida Department of Environmental Protection (FDEP), Self-Certification File No. 0416720001EE. City staff reviewed the application and determined that the plans comply with City Codes and Regulations. Specifically, the proposed dock complies with Article 11.05.01.M., Marina Siting of the City Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3). Staff recommends approval of the single-family marine construction project proposed at 621 Calhoun Avenue.

Chairman Hoey opened the hearing for public comment, there being none, he closed the public portion and called for a motion.

Motion by Board member Stephens, seconded by Board member Tadlock for the Harbor & Waterways Board to recommend City Council approve the request for the single-family marine construction project located at 621 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements.

B) Proposed residential marine construction project at 441 Calhoun Avenue

Ms. More explained Ben William, B&W Services LLC, on behalf of Keaton Thiem has sub-submitted an application for Harbor and Waterways Board review for construction of dock consisting of a 32' x 4' access pier, one (1) 16' x 18' terminal platform, one (1) 16' x 6' hammock platform, one (1) 8' x 6' step-down platform, one (1) 40' x 2' catwalk, one (1) 24' x 14' covered boat slip, and one (1) 16' x 1' roof overhang, comprising approximately 992 square feet and replacement of 58.8' seawall.

Additionally, the contractor has provided a Florida Department of Environmental Protection (FDEP), Permit No. 0414050-001-EE/46 & 0414050-002-EE/46 and U.S Army Corps of Engineers SAJ2022-00057 (NW/GP-SWA). City staff reviewed the application and determined that the plans comply with City Codes and regulations. Additionally, the requests meets all the requirements of the code and staff recommends approval of the single-family marine construction project proposed at 441 Calhoun Avenue.

Board member Stephens asked if there are any sea grasses present in the project location to the right of the dock. According to the applicant, it's just torpedo grass.

Board member McKissick asked if the original dock is still in place. According to the applicant, everything has been removed except for 8-pilings.

The Chairman opened the hearing to the public, with no one coming forward to comment, he closed the public for this request.

Motion by Board member Stephens, seconded by Board member McKissick for the Harbor & Waterways Board to recommend City Council approve the request for the single-family marine construction project located at 441 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements. The motion passed with a 4-0 vote.

C) Proposed residential marine construction project at 339 Calhoun Avenue

Mrs. Alam explained B&W Services, LLC, on behalf of Chatham Morgan, has submitted a permit for one (1) 56' x 4' access pier and one (1) 20' x 4' terminal platform, comprising approximately 304 square feet. The contractor provided a Florida Department of Environmental Protection (FDEP) receipt of submittal (Self-Certification File No.: 0416359001EE) for the project.

In review, staff determined that the application and plans comply with city codes and regulations, including Section 11.05.01, Marina Siting and staff recommends approval of the request, subject to the applicant meeting all applicable City permit requirements.

Board member Stephens asked if this is for the dock replacement only. According to the applicant, that is correct.

The Chairman opened the hearing to the public, with no one coming forward to comment, he closed the public for this request.

Motion by Board member Stephens, seconded by Board member Tadlock for the Harbor & Waterways Board to recommend City Council approve the single-family marine construction project located at 339 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements. The motion passed 4-0.

D) Proposed residential marine construction project at 4153 Belcourt Drive.

William F. Davis Construction, Inc., on behalf of Mark J Tenholder, is requesting approval to construct one (1) 88' x 5' access pier, one (1) 16' x 12' terminal platform, one (1) 10' x 7' step-down platform, two (2) 40' x 4' finger pier, one (1) 40' x 18' covered boat slip, one (1) 14' x 13' uncovered boatlift, 20' x 2' roof overhang, and 28' x 6' PWC lifts, comprising approximately 2,132 square feet.

In staff's findings, they determined that the applicant has provided the Florida Department of Environmental Protection (FDEP) Environmental Resource Permit (Permit No: 0396573-001-EI/46, Lease File No: 460359481) and a Department of the Army, Corps of Engineers permit (permit number: SAJ-2021-00118 (RGP-SWA)) for the project. As well as determining that the plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting, and staff recommends approval of a commercial marine construction.

Board member Tadlock asked if there are any sea grasses in the proposed project location that would be impacted. According to Mr. Davis there are not any at this particular location. Mr.

Tadlock then asked what is the slope of the roof. Mr. Davis replied 5:12 and according to Mr. Butler, the slope is at the minimum requirements of the Code.

Motion Board member Stephens, seconded by Board member McKissick for the Harbor & Waterways Board to recommend City Council approve the single-family marine construction project located at 4153 Belcourt Drive, subject to the applicant meeting all applicable City permit requirements. The motion passed with a 4-0 vote.

E) Proposed commercial marine construction project at 119 Calhoun Avenue

Mr. Butler explained that Mr. Stephen Tatum of Matthews & Jones, LLP representing on behalf of Travis Glaze of Wet N' Wild. Mr. Butler continued to explain the applicant has submitted an application for Harbor and Waterways Board review of a commercial watersports docking facility at the subject property, which consists of a 144-ft by 6-ft access pier and a 50-ft by 6-ft terminal platform. The applicant will permanently moor twelve (12) 24-ft pontoon boats along the access pier and will transient moor three (3) 32-ft parasail boats off the end of the terminal platform. Additionally, there are no fueling facilities or sewage pump outs being proposed.

In staff's review, it was determined that the application and plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting. The applicant has provided a receipt of permit application submittal to Florida Department of Environmental Protection (FDEP) and United States Army Corps of Engineers (USACE), and proof of approval and permits is required when submitting for the applicable building permit with the city. Staff recommends approval of the request with the following conditions:

1. The proposed dock does not propose a sewage pump-out; therefore, no vessels utilized by Wet N' Wild Watersports shall have on-board toilets, per LDC 11.05.01.I.
2. The proposed dock shall install a white navigation/security night-light installed at the furthest point seaward on said dock and such light is to be illuminated continuously from dusk to dawn every night of the year, per LDC 11.05.01.U. Such light shall be installed prior to the issuance of the Certificate of Occupancy.

The Chairman opened the hearing to the public for comment. With there being no one stepping forward, he closed the public portion of the hearing.

Board member Stephens asked if the applicant has submitted a fuel contingency plan. According to Mr. Butler, that is required when they turn in their livery application as well as the Building Permit application.

Board member McKissick asked if there are any sea grasses that would be affected by the project when the boats and personal watercrafts are leaving the docks and asked if the ACOE had any concerns about the volume of boats going over the seagrass. According to Mr. Butler, they have not received any negative comments for the ACOE regarding the sea grasses.

Chairman Hoey asked Mr. Butler how long the wooden dock supposed to be. According to Mr. Butler 139.9-feet from the MHWL and counting the 6-foot platform, its 145-feet total.

Board member Tadlock asked if the application lists the specific number of vessels. According to Mr. Butler, the project is before them because it's considered a commercial docking facility. Additionally, the LDC only regulates slips, not boat counts, which is one slip per 8-linear feet of shoreline. He further explained that the boat counts will be required in their livery application submittal as well as when they pull the building permits.

Board member McKissick asked how many linear feet is on the property. According to Mr. Butler, roughly 100 feet.

Board member Tadlock asked if waverunners were considered in the count. Mr. Butler stated that they are not. There was an additional question regarding the total boats in the diagram and the number of boats that will actually be moored. Mr. Butler explained the slips are 28-feet with two boats in each one. He explained that when he discussed this with Mr. Zunguze, they came to the agreement that the 38-foot slip with the 12 waverunners will have the same impact as the one slip of 28-feet. Therefore, they counted it as one additional slip. Reiterating to the members that the language in the Marina Siting does not specifically point out wave runners. So it's staff's discretion to base what the impacts will be on the surroundings.

With the Board members having issues with the definition of transient vessels in the code and with the applicant stating that there will be parasail vessels moored in them, and the fact that the applicant was not present to answer the Boards questions, the decision was made to continue this project request to the next meeting so that the applicant and the Land Use Attorney could be present to explained the project request.

Motion by Board member Tadlock to table this request to the next scheduled meeting to give the applicant an opportunity to be present as well as staff to answer the boards questions and explain the transient scope and the net positive benefit, based on the one slip per eight feet linear feet rule, as well as a better definition of slips for the request. Board member McKissick provided the second. The motion passed with a roll call vote of 4-0.

F) Proposed residential marine construction project at 132 Country Club Drive West

Ms. More explained Gulf Coast Maintenance and Construction, on behalf of Jean McGee, has submitted an application for Harbor and Waterways Board review of a residential construction application for construction of a 90' long and 36" high seawall and a walkway over the seawall. The applicant provided an exemption letter from Florida Department of Environmental Protection (FDEP) stating that the proposed activity does not require FDEP approval.

In staff's review, it was determined the application and plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting and staff recommends approval for this request.

Board member Stephens asked the applicant what is currently at the location. According to the applicant, currently there is a partial seawall, and she intends to add to it.

Board member Tadlock asked if the project is in the footprint of the original project and if it is to be built to the 25-foot setback requirements from the adjacent property line. According to the applicant, it exactly the same and she is not aware of the setbacks but, it's going to be exactly where it was before.

Board member McKissick asked if the dock is still functional. The applicant explained that she thought it was until her neighbor fell in the water when he jumped on the boards and busted them.

Chairman Hoey pointed out that there is no receipt in the application they're reviewing that the applicant applied for an exemption from the FDEP. There was a brief discussion regarding an email from the FDEP that the exemption had been applied for. The Chairman read the section of the Code that states the receipt is necessary in order for them to make a recommendation.

Motion by Chairman Hoey to table this request to the next meeting of the Harbor & Waterways Board until the receipt for the self-certification exemption with FEDP is made available to the Board. Board member Stephens providing the second and the motion passed 4-0.

G) Proposed residential marine construction project at 516 Osceola Drive

Mrs. Alam explained ECM, on behalf of Landon Banks has submitted an application for Harbor and Waterways Board review of a residential seawall construction totaling 133.3', of which, 54.3' is along the property line. A 5-foot wide wooden walkway, along with the associated pilings, is also proposed along the seawall. The applicant has provided a receipt of permit application submittal to Florida Department of Environmental Protection (FDEP).

City staff reviewed the application and determined the plans comply with City Codes and regulations, including Section 11.05.01, Marina Siting, and staff recommends approval of the proposed project construction, subject to the applicant meeting all applicable City permit requirements.

The Chairman pointed out that the information for this request was not included in their packet and asked staff to bring the information up on the screen. The member briefly discussed the details of the project with staff.

Motion by Board member Tadlock for the Harbor & Waterways Board recommend City Council approval of a single-family marine construction project located at 516 Osceola Drive, subject to the applicant meeting all applicable City permit requirements, with Board member Stephens providing the second. The motion passed with a 4-0 vote.

6. PUBLIC COMMENT:

Mr. Wright Branson expressed concern over a project he will be bringing before the board for approval and questioned the term, “Board for board” because the original dock is beyond 1,000 feet and the property owner does not have a submerged land lease because the original dock, that was destroyed by Hurricane Sally, was built in 1959.

The City Attorney advised him to contact city staff outside of this meeting and they will inform him of the process he would need to take. Mr. Butler informed him that if he would email the information to planning@cityofdestin.com someone from staff would contact him.

7. BOARD MEMBER COMMENTS:

Board member Tadlock applauded the staff for all of their hard work and spoke of how he appreciates the engineering drawings they are now getting in their packet. However, regarding 132 Country Club Drive request, he feels they should have had additional information provided to them in the explanation of the project request. Adding that the setbacks to him, that are in question should have been included and a letter of should have been sent to the adjacent property owner to and included in the file. Additionally, the dimensions of walkway that extends over the water and how that should be counted in the total amount of square feet. If all that was in the project details that would have been helpful.

Chairman Hoey spoke of his tenure serving on the Board as Chairman and when that time is up for reelection. He was informed that now runs through November.

8. ADJOURNMENT:

With there being no further discussion, the meeting adjourned at 6:30 p.m.

DRAFT

Adopted and approved this _____ day of _____ 2022.

Richard Hoey, Chairman

Kim Montgomery, Deputy City Clerk

DRAFT

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Consent Agenda

AGENDA OUTLINE NUMBER: 3.N.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Rey Bailey, City Clerk

DATE: May 5, 2022

SUBJECT: Monthly Committee Absentee Report - April 2022

I. BACKGROUND: Members of the council previously requested that a committee attendance report be published on a monthly basis. The committee attendance report for April 2022 is provided in attachment 1.

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:** Enhanced Quality of Life
- B. Effect on Budget (EOB):** None. These are volunteer positions.
- C. Level of Service (LOS):** Each committee is designed to consist of 7 members, with 4 constituting a quorum. A fully seated committee is necessary to more effectively procure the business for which it was established.
- D. Legislative Sponsor (Land Use Items):** Not applicable

III. CONCLUSION:

IV. RECOMMENDED MOTION: None. For information only.

Attachments:

1. Committee Absentee Report - April 2022

MONTHLY
COMMITTEE ABSENTEE REPORT
(April 2022)

BOARD OF ADJUSTMENT

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 6, 2022 (Meeting Held)</i>	<i>Kimberly Mergler Daniella Piper</i>	<i>Wagner Hebert</i>

HARBOR AND WATERWAYS BOARD

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 25, 2022 (Meeting Held)</i>	<i>Casey Jones Harvey Hurst Jim Green</i>	<i>King Schmidt Braden</i>

HARBOR COMMUNITY REDEVELOPMENT AGENCY (CRA)
ADVISORY COMMITTEE

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 13, 2022 (Meeting Held)</i>	<i>Mike Buckingham Jim Green</i>	<i>Destin King</i>

LOCAL PLANNING AGENCY

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 7, 2022 (Meeting cancelled. No items to be discussed)</i>		
<i>April 28, 2022 (Meeting Held)</i>	<i>Jason Klosterman</i>	<i>Braden</i>

PARKS AND RECREATION COMMITTEE

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 26, 2022 (Meeting cancelled for lack of a quorum)</i>	<i>Brian Liesveld Barbara Telford Leslie Schmidt Sandy Trammell</i>	<i>Overdier/Bagby Ramswell/Wagner Schmidt Destin</i>

PUBLIC WORKS/PUBLIC SAFETY COMMITTEE

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 12, 2022 (No meeting. No items to be heard)</i>		

TOWN CENTER COMMUNITY REDEVELOPMENT AGENCY (CRA)
ADVISORY COMMITTEE

SCHEDULED MEETINGS	MEMBERS ABSENT	NOMINATING COUNCIL MEMBER
<i>April 20, 2022 (Meeting Held)</i>	<i>Alexander Santos</i>	<i>Schmidt</i>

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Action Item
AGENDA OUTLINE NUMBER: 4.A.

TO: City Council

THRU: Rey Bailey, City Clerk
Krystal Strickland, Finance Director
Kyle Bauman, City Attorney
Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: 5/10/2022

SUBJECT: Council Meeting Schedule for July, November and December of 2022

I. BACKGROUND: On March 21st, Councilwoman Hebert made a motion to direct staff to come back and discuss the feasibility of scheduling just one council meeting in July, November, and December of 2022, and that being on the second Monday of those months, passed 6-0.

II. DISCUSSION: 2022 Council Meetings

July

The July 4th holiday falls on the first Monday of the month, which is when a regular city council meeting is scheduled. Normal protocol would be for the first meeting in July to fall on Tuesday, July 5th.

July is an extremely busy month for staff, council and the citizens as it is peak tourist season. It is also peak effort for staff and Council as it relates to preparing the upcoming fiscal year budget.

Staff and Council have a third budget workshop planned for July 14th.

Reducing the number of regular council meetings will provide staff additional time to continue to prepare the budget and for budget workshops. It will also reduce the meetings during peak tourism season.

Staff recommend consolidating the 2 regularly scheduled July council meetings to July 11th.

November 2022

The regular council meeting schedule is November 7th and 21st.

The Destin municipal election will occur on November 8th. The inauguration of new council members should occur at the next meeting after the election.

Friday, November 11th is the Veterans Day Holiday.

The election must be certified after the election, which could take a few days. In addition, staff needs appropriate time to prepare for the inauguration and new councilmembers.

A consolidated meeting on November 14th could provide logistical challenges for the inauguration. The inauguration could be moved to December, but that would provide a significant time gap between the election and inauguration.

Staff recommends holding the regular council meetings in November on November 7th and 28th.

December 2022

The regular council meeting schedule is December 5th and 19th.

The regularly scheduled council meeting on December 19th is at the beginning of the week of the Christmas Holidays.

Staff recommend having one meeting on December 12th

***January 2023**

*In the spirit of the motion, staff wanted to bring to the attention of Council the January calendar of events.

Due to the proximity of the first Monday (January 2nd) to the New Year's holiday (January 1st) and with the preceding week being Christmas, many staff and council members will just be coming back from the holidays.

In addition, January 16th is the Martin Luther King Holiday, and city facilities will be closed.

Staff recommend having one meeting on January 9th.

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB): NONE**
- C. Level of Service (LOS): Same**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION: Council directed staff to bring back a consolidated council meeting schedule for July, November and December of 2022.

Staff does not believe it to be feasible to consolidate the November meetings.

Staff provided additional information for Council's consideration for the January 2023 council meeting schedule.

IV. RECOMMENDED MOTION: Primary Motion: I move to consolidate the regular city council meetings in July and December of 2022 to July 11th, and December 12th, and hold two regular council meetings in November on November 7th and 28th.

Alternate Motion: I move to consolidate the regular city council meetings in July and December of 2022 to July 11th and December 12th, hold two regular council meetings in November on November 7th and 28th, and consolidate the regular council meetings in January 2023 to January 9th.

Attachments:

1. Council Meetings and Holiday Schedules - Calendar Year 2022

may

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
25 April	26	27	28	29	30/1 May
2 City Council Meeting	3	4	5	6	7/8
9	10	11	12	13	14/15
16 City Council Meeting	17 Budget Workshop	18	19	20	21/22
23	24	25	26	27	28/29
30 Memorial Day Holiday	31	1 June	2	3	4/5

june

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
30 May	31	1 June	2	3	4/5
6 City Council Meeting	7	8	9	10	11/12
13	14	15	16	17	18/19
20 City Council Meeting	21	22	23 Budget Workshop	24	25/26
27	28	29	30	1 July	2/3
4	5	6	7	8	9/10

july

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
27 June	28	29	30	1 July	2/3
4 Independence Day Holiday	5 City Council Meeting	6	7	8	9/10
11	12	13	14 Budget Workshop	15	16/17
18 City Council Meeting	19	20	21	22	23/24
25	26	27	28	29	30/31
1 August	2	3	4	5	6/7

august

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
1 August City Council Meeting	2	3	4	5	6/7
8	9	10	11 Budget Workshop (Optional)	12	13/14
15 City Council Meeting	16	17	18	19	20/21
22	23	24	25	26	27/28
29	30	31	1 Sept	2	3/4
5	6	7	8	9	10/11

september

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
29 August	30	31	1 September	2	3/4
5 Labor Day Holiday	6	7	8 City Council Meeting (First Budget Hearing)	9	10/11
12	13	14	15	16	17/18
19 City Council Meeting (Second Budget Hearing)	20	21	22	23	24/25
26	27	28	29	30	1/2 October
3	4	5	6	7	8/9

october

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
26 September	27	28	29	30	1/2 October
3 City Council Meeting	4	5	6	7	8/9
10	11	12	13	14	15/16
17 City Council Meeting	18	19	20	21	22/23
24	25	26	27	28	29/30
31	1 November	2	3	4	5/6

november

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
31 October	1 November	2	3	4	5/6
7 City Council Meeting	8 City Election	9	10	11 Veteran's Day Holiday	12/13
14	15	16	17	18	19/20
21 City Council Meeting	22	23	24 Thanksgiving Day Holiday	25 Day After Thanksgiving Holiday	26/27
28	29	30	1 December	2	3/4
5	6	7	8	9	10/11

december

2022

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SAT/SUN
28 November	29	30	1 December	2	3/4
5 City Council Meeting	6	7	8	9	10/11
12	13	14	15	16	17/18
19 City Council Meeting	20	21	22	23 Christmas Eve Holiday	24/25
26 Christmas Holiday	27	28	29	30	31/1 January
2	3	4	5	6	7/8

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Action Item
AGENDA OUTLINE NUMBER: 4.B.

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Jeffrey Cozadd, Grants Manager

DATE: 5/10/22

SUBJECT: Subaward Agreement Extension - Restore Act/Captain Royal Melvin

I. BACKGROUND: Subaward Agreement 2020-R14 with Okaloosa County was first executed December 19, 2019. The end date of that agreement was May 31, 2021. Amendment One to the original subaward agreement was executed on October 5, 2021 and extended the end date to May 31, 2022.

II. DISCUSSION: Our current subaward agreement has an ending date of May 31, 2022. This amendment extends the ending date to June 30, 2022.

The County is also requesting an extension from U.S. Treasury beyond their grant ending date of June 30, 2022. Once the County extension is granted by Treasury, the County can offer us another extension if necessary.

The engineering firm representing the city on this project has requested from the contractor an itemized list of tasks that are not yet complete and a timeframe for completing those tasks. That information had not been provided at the time this agenda was published.

- A. Link to Strategic Goals / Objectives:** 4.7 Construct Capt. Royal Melvin Heritage Park
- B. Effect on Budget (EOB):** No effect on budget
- C. Level of Service (LOS):**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION: The subaward agreement will need extended due to the fact that the park is not open, and the subaward agreement requirements have not been satisfied yet.

IV. RECOMMENDED MOTION: I move we authorize the Mayor to execute

Amendment Two to the Subaward Agreement No 2020-R14.

Attachments:

1. 2020-R14DestinCRMHPPAmd2
6.30.22 to Destin

**AMENDMENT TWO TO THE SUBAWARD AGREEMENT NO. 2020-R14 BETWEEN
OKALOOSA COUNTY, FLORIDA AND THE CITY OF DESTIN, FLORIDA
PERTAINING TO THE DIRECT COMPONENT PORTION OF THE RESTORE ACT
TRUST FUND MONIES ALLOCATED TO OKALOOSA COUNTY**

THIS SUBAWARD AMENDMENT TWO (hereinafter "Amendment") is based on the United States Department of the Treasury (hereinafter "TREASURY") Award Amendment 4 RDCGR180102-01-01 with Okaloosa County, executed on October 5, 2021, and presented in Exhibit A of this document.

WITNESSETH:

WHEREAS, THIS SUBAWARD AGREEMENT (hereinafter "Agreement") was entered into by and between OKALOOSA COUNTY, a political subdivision of the State of Florida, with an address of 1250 North Eglin Parkway, Suite 102, Shalimar, FL 32579, by and through its Board of County Commissioners, (hereinafter the "COUNTY"), and the City of Destin, a municipal corporation of the State of Florida, with an address of 4200 Indian Bayou Trail, Destin, FL 32541, by and through its Mayor and City Council, (hereinafter the "SUBRECIPIENT"), and having an Unique Entity ID of HWLNK1AV2LD6, for the receipt of a subaward of funds made available through a federal award to the COUNTY on January 6, 2020; and

WHEREAS, the COUNTY, recognizing that substantial funds of money could be made available to the COUNTY through the Resources and Ecosystem Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 under CFDA #21.015 (hereinafter "the RESTORE Act") which established the Gulf Coast Restoration Trust Fund, developed and submitted a Multiyear Implementation Plan to TREASURY pursuant to all applicable rules and requirements; and

WHEREAS, said Multiyear Implementation Plan consisted of ten initial projects, one of which the SUBRECIPIENT proposed, the Captain Royal Melvin Heritage Park and Plaza Project; and

WHEREAS, the Multiyear Implementation Plan was accepted by TREASURY on June 30, 2017, which authorized the COUNTY to apply for financial assistance from the Gulf Coast Restoration Trust Fund to be used to fund activities and projects consistent with the Multiyear Implementation Plan; and

WHEREAS, the COUNTY has been awarded a RESTORE Act allocation of \$1,216,530.00 dollars under Federal Award Identification Number 1 RDCGR180102-01-00, issued to the COUNTY on November 26, 2019, and accepted by the COUNTY on December 17, 2019, by the United States Department of the Treasury; and

WHEREAS, the SUBRECIPIENT has requested funds from the COUNTY for the creation of a public park, Captain Royal Melvin Heritage Park and Plaza, including the construction of infrastructure improvements at the park, in Destin, Florida as described in the project design plans submitted with the application; and

WHEREAS, the COUNTY, acting as a pass-through entity, and the SUBRECIPIENT desire to enter into an subaward Agreement in accordance with 2 C.F.R. Part 200, to allow the SUBRECIPIENT to utilize an allocated sum of the COUNTY'S portion of Gulf Coast Restoration Trust Fund to carry out the project activities for the Captain Royal Melvin Heritage Park and Plaza Project in compliance with the Multiyear Implementation Plan; and

WHEREAS, Exhibits A is attached and further explains this Amendment is incorporated by reference and made part of this Amendment.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations contained herein, the parties hereto agree to adhere to the provisions of the Subaward Agreement No. 2020-R14 with the following changes:

ARTICLE III

STATEMENT OF WORK

1. Project. The Captain Royal Melvin Heritage Park and Plaza Project (hereinafter the "Project"), more particularly described in Exhibit A, is the purpose of this Agreement. The Project is for the creation of a public park, Captain Royal Melvin Heritage Park and Plaza, including the construction of infrastructure improvements at the park, in Destin, Florida as described in the project design plans submitted with the application with the removal of the kayak/canoe lift.

ARTICLE XII

TERM

The term of the Agreement shall be adjusted by this Amendment, to June 30, 2022, upon the effective date as required herein, until such time as the monitoring period has expired past that date. Okaloosa County has requested an Award No Cost Time Extension to December 31, 2022. Once that request is approved by Treasury, then the City of Destin will provide the ending date for the future subaward amendment to complete the milestones given in Exhibit A.

ARTICLE XVII

NOTICES

All notices required or permitted hereunder shall be deemed duly given if sent by certified mail, postage prepaid, addressed to the parties as follows:

OKALOOSA COUNTY

Jane Evans
Grants & RESTORE Manager
Okaloosa County
1250 North Eglin Parkway, Ste 102
Shalimar, FL 32579
850-651-7521
jevans@myokaloosa.com

SUBRECIPIENT

Lance Johnson
City Manager
City of Destin
4200 Indian Bayou Trail
Destin, FL 32541
850-837-4242
ljohnson@cityofdestin.com
Federal ID No 59-2480854
DUNS No. 364637595

Awarding Agency – US Department of the Treasury.

Andrew Clark
Federal Project Officer
1500 Pennsylvania Ave. N.W.
Washington D.C. 20220-0001
Phone: 202-622-1917
Andrew.Clark2@treasury.gov

IN WITNESS WHEREOF, the parties have caused this Amendment to be executed on the dates indicated below.

JOHN HOFSTAD, COUNTY ADMINISTRATOR
OKALOOSA COUNTY AUTHORIZED OFFICIAL

DATE

ATTEST:

CITY OF DESTIN, FLORIDA

[Signature of SUBRECIPIENT ATTESTOR]

[Signature of AUTHORIZED REP SUBRECIPIENT]

REY BAILEY, CITY CLERK
[Printed name of SUBRECIPIENT ATTESTOR]

GARY JARVIS, MAYOR
[Printed name & position of AUTHORIZED REP]

DATE

EXHIBIT A

See attached Federal Grant Amendment

CAPTAIN ROYAL MELVIN HERITAGE PARK AND PLAZA PROJECT

**4 RDCGR180102-01-01
(50 PAGES)**

1. DATE ISSUED MM/DD/YYYY 09/29/2021		1a. SUPERSEDES AWARD NOTICE dated 11/26/2019 except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 21.015 - Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States			
3. ASSISTANCE TYPE Formula Grant			
4. GRANT NO. 4 RDCGR180102-01-01 Formerly		5. TYPE OF AWARD Other	
4a. FAIN RDCGR180102		5a. ACTION TYPE Post Award Amendment	
6. PROJECT PERIOD MM/DD/YYYY From 12/01/2019		Through MM/DD/YYYY 06/30/2022	
7. BUDGET PERIOD MM/DD/YYYY From 12/01/2019		Through MM/DD/YYYY 06/30/2022	
8. TITLE OF PROJECT (OR PROGRAM) Captain Royal Melvin Heritage Park and Plaza			

U.S. DEPARTMENT OF THE TREASURY
Office of the Fiscal Assistant Secretary
Office of Gulf Coast Restoration

1500 Pennsylvania Ave., N.W.
Washington, DC 20220-0001

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
Resources and Ecosystems Sustainability, Tourist Opportunities, and
Revived Economies of the Gulf Coast States

9a. GRANTEE NAME AND ADDRESS OKALOOSA, COUNTY OF 302 N Wilson St Ste 302 Crestview, FL 32536-3474		9b. GRANTEE PROJECT DIRECTOR Ms. Jane Evans 1250 N Eglin Pkwy Ste 102 Shalimar, FL 32579-1296 Phone: 8506517521	
10a. GRANTEE AUTHORIZING OFFICIAL John Hofstad 1250 N. Eglin Pkwy Shalimar, FL 32579 Phone: 8506517515 Electronically Signed 09/30/2021		10b. FEDERAL PROJECT OFFICER Andrew Clark 1500 Pennsylvania Ave., N.W. Washington, DC 20220-0001 Phone: 202-622-1917	

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)				12. AWARD COMPUTATION			
I Financial Assistance from the Federal Awarding Agency Only				a. Amount of Federal Financial Assistance (from item 11m) 1,216,530.00			
II Total project costs including grant funds and all other financial participation II				b. Less Unobligated Balance From Prior Budget Periods 0.00			
a. Salaries and Wages 0.00				c. Less Cumulative Prior Award(s) This Budget Period 1,216,530.00			
b. Fringe Benefits 0.00				d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 0.00			
c. Total Personnel Costs 0.00				13. Total Federal Funds Awarded to Date for Project Period 1,216,530.00			
d. Equipment 0.00				14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project):			
e. Supplies 0.00				YEAR TOTAL DIRECT COSTS YEAR TOTAL DIRECT COSTS			
f. Travel 0.00				a. 2 b. 3 c. 4 d. 5 e. 6 f. 7			
g. Construction 0.00				15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:			
h. Other 0.00				a. DEDUCTION b. ADDITIONAL COSTS c. MATCHING d. OTHER RESEARCH (Add / Deduct Option) e. OTHER (See REMARKS)			
i. Contractual 1,250,000.00				b			
j. TOTAL DIRECT COSTS 1,250,000.00				16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:			
k. INDIRECT COSTS 0.00				a. The grant program legislation b. The grant program regulations. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.			
l. TOTAL APPROVED BUDGET 1,250,000.00				In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.			
m. Federal Share 1,216,530.00							
n. Non-Federal Share 33,470.00							

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)
This amendment adds an additional 7 months to the period of performance and amends the project scope of work to remove the kaya/canoe lift from the project.

This award amendment is approved by Gregory J. Till, Authorizing Official. Accepting this award in GrantSolutions.gov constitutes acceptance of this award and the Standard Terms and Conditions and
Programmatic Terms and Conditions and Special Award Conditions.

AUTHORIZING OFFICIAL:
Maureen1 Klovers, Program Director, RESTORE Act
1500 Pennsylvania Ave N W
Washington, DC 20220-0001
Phone: 202-622-7340

Electronically Signed 10/05/2021

17.OBJ CLASS	410006	18a. VENDOR CODE	1236776	18b. EIN	596000765	19. DUNS	613277649	20. CONG. DIST.	01
FY-ACCOUNT NO.		DOCUMENT NO.		ADMINISTRATIVE CODE		AMT ACTION FIN ASST		APPROPRIATION	
21. a.	Direct	b.	RDCGR180102	c.	RDC	d.	\$0.00	e.	
22. a.		b.		c.		d.		e.	
23. a.		b.		c.		d.		e.	

NOTICE OF AWARD (Continuation Sheet)

PAGE 2 of 3

DATE ISSUED
09/29/2021

GRANT NO. 4 RDCGR180102-01-01

Federal Financial Report Cycle			
Reporting Period Start Date	Reporting Period End Date	Reporting Type	Reporting Period Due Date
12/01/2019	03/31/2020	Semi-Annual	04/30/2020
04/01/2020	09/30/2020	Semi-Annual	10/30/2020
10/01/2020	03/31/2021	Semi-Annual	04/30/2021
04/01/2021	09/30/2021	Semi-Annual	10/30/2021
10/01/2021	03/31/2022	Semi-Annual	04/30/2022
04/01/2022	06/30/2022	Final	10/28/2022

RESTORE Act - FUNDING AUTHORIZATION**1. Available Funds Confirmation**

Total Amount of Federal Funds Awarded to Date for Project Period <i>Line 13 of NoA/Amendment</i>	Amount of Funding Restriction	Amount of Financial Assistance This Action <i>Line 12d of NoA/Amendment</i>	Amount Authorized for ASAP Account this Action	Notes
\$1,216,530.00	\$0.00	\$1,216,530.00	\$1,216,530.00	Initial Authorization, with Special Award Conditions and an ASAP Maximum Draw Limit of \$1.00 per SAC 1
-----	-----	-----	----	Special Award Condition #1 satisfied and ASAP Maximum Draw Limit Removed per SAC 1.
\$1,216,530.00	\$0.00	\$0.00	\$0.00	No Cost Time extension to 6/30/2022

RESTORE Act - SPECIAL AWARD CONDITIONS

- Special Award Condition 1:** An ASAP Maximum Draw Limit of \$1.00 is in place for this award. Okaloosa County may request removal of the maximum draw limit with its written request to Treasury for permission to commence construction, per Condition 6 of Section W of RESTORE Act Financial

NOTICE OF AWARD (Continuation Sheet)

PAGE 3 of 3	DATE ISSUED 09/29/2021
GRANT NO. 4 RDCGR180102-01-01	

Assistance Standard Terms and Conditions and Program-Specific Terms and Conditions. (SATISFIED)

Standard and Program Specific Terms and Conditions

1. See attached

AWARD ATTACHMENTS

OKALOOSA, COUNTY OF

4 RDCGR180102-01-01

1. Amended Approved Scope of Work
2. Standard and Program Specific Terms and Conditions - December 2018

OKALOOSA COUNTY

CAPTAIN ROYAL MELVIN HERITAGE PARK AND PLAZA

PROJECT DESCRIPTION (Amended)

Okaloosa County requests funds for the creation of a public park, Captain Royal Melvin Heritage Park and Plaza, including the construction of infrastructure improvements at the park, in Destin, Florida as described in project design plans submitted with the application (Royal Melvin Park, March 2019).

Okaloosa County's subrecipient for the project will be the City of Destin (Destin). Destin will contract out the construction of the park improvements, including a harbor/wildlife observation platform, resource center, educational signage, terraced walkway, plaza, picnic/sitting area, drinking fountain, restrooms, trash bins, bike racks, and underground utilities. The final project cost is dependent on contractor bids received. The park will be constructed on a 0.77-acre parcel, identified by the Okaloosa County Property Appraiser as Parcel Number 00-2S-22-0630-0000-07G1, owned by Destin. Okaloosa County included with its application a December 21, 2006 Warranty Deed from The Trust for Public Land to Destin to document parcel ownership. Project deliverables include completed construction of identified improvements and submission of post-construction monitoring data. The subrecipient will complete post-construction monitoring at no charge to the federal award.

The amended project description/scope of work removes from the project the kayak/canoe lift.

Milestones: (Amended)

	Milestone	Estimated Completion Timeframe (award + # of months)	Amended Estimated Completion Timeframe (award + # of months)
1.	Execution of subaward agreement	1	Completed Jan 2020
2.	Permitting	3	Completed Jan 2020
3.	Request for bids issued	5	Completed Jan 2020
4.	Begin construction	6	Completed Dec 2020
5.	Complete construction	15	27
6.	Park open	16	28
7.	Subaward closeout	17	29
8.	Project closeout	18	30

Performance Measures:

	Measures	Baseline	Target
1.	Opening of post-construction park	0	1
2.	Square feet of public park improvements constructed	0	33,541

Okaloosa County will execute a \$1,250,000.00 subaward with Destin, including the full amount of Direct Component funds, \$1,216,530.00, and \$33,470.00 in Destin funding, for the creation of Captain Royal Melvin Heritage Park and Plaza. The subrecipient budget includes \$1,250,000.00 under the “Construction” line item, including \$66,000.00 in project inspection fees, \$634,000.00 in site work, \$110,000.00 in demolition and removal, and \$440,000.00 in construction.

Destin previously completed initial designs for the park (designs dated March 2019). Destin anticipates awarding two contracts, one for engineering and inspection and a second for construction of park improvements. The final project cost is dependent on contractor bids received.

RESTORE ACT

FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS AND PROGRAM-SPECIFIC TERMS AND CONDITIONS

U.S. Department of the Treasury

December 2018



TABLE OF CONTENTS

RESTORE ACT FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS AND PROGRAM-SPECIFIC TERMS AND CONDITIONS	1
A PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT	2
B PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM	3
STANDARD TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT AND AWARDS UNDER THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM	
C FINANCIAL REQUIREMENTS	4
D RECIPIENT REPORTING AND AUDIT REQUIREMENTS	7
E FINANCIAL MANAGEMENT SYSTEM AND INTERNAL CONTROL REQUIREMENTS	9
F RECORDS RETENTION REQUIREMENTS	10
G THE FEDERAL GOVERNMENT'S RIGHT TO INSPECT, AUDIT, AND INVESTIGATE	11
H AWARD DISBURSEMENT	12
I EFFECT OF A GOVERNMENT SHUTDOWN ON DISBURSEMENTS AND THE AVAILABILITY OF TREASURY PERSONNEL	13
J NOTIFICATIONS AND PRIOR APPROVALS	13
K PROPERTY	14
L AMENDMENTS AND CLOSEOUT	15
M REMEDIES FOR NONCOMPLIANCE	16
N DEBTS	17
O NON-DISCRIMINATION REQUIREMENTS	18
P REQUIREMENT TO CHECK DEBARMENT AND SUSPENSION STATUS OF SUBRECIPIENTS, CONTRACTORS, SUBCONTRACTORS AND VENDORS	20
Q DRUG FREE WORKPLACE	20
R LOBBYING RESTRICTIONS	20
S PROCUREMENT	22
T RESEARCH INVOLVING HUMAN SUBJECTS	24
U ENVIRONMENTAL REQUIREMENTS	24
V MISCELLANEOUS REQUIREMENTS AND PROVISIONS	25
SUPPLEMENTAL STANDARD TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT FOR ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY	
W ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY	35

RESTORE ACT FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS AND PROGRAM-SPECIFIC TERMS AND CONDITIONS

PREFACE

The grant agreement is comprised of the following documents:

1. A Notice of Award from the Department of the Treasury (“Treasury”);
2. The RESTORE Act Financial Assistance Standard Terms and Conditions (“Standard Terms and Conditions”);
3. The RESTORE Act Financial Assistance Program-Specific Terms and Conditions (“Program-Specific Terms and Conditions”);
4. The approved application, including all documents, certifications, and assurances that are part of the approved application;
5. The approved scope of work;
6. The approved budget; and,
7. Any special terms and conditions applied by Treasury to the award (“Special Award Conditions”).

The recipient must comply, and require each of its subrecipients, contractors, and subcontractors employed in the completion of the activity, project, or program to comply with all federal statutes, federal regulations, executive orders (EOs), Office of Management and Budget (OMB) circulars, Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions of this federal financial assistance award (“Award”), as applicable, in addition to the certifications and assurances required at the time of application. This Award is subject to the laws and regulations of the United States.

Any inconsistency or conflict in Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions of this Award will be resolved according to the following order of precedence: federal laws, federal regulations, applicable notices published in the Federal Register, EOs, OMB circulars, Treasury’s Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions. Special Award Conditions may amend or take precedence over Standard Terms and Conditions and Program-Specific Terms and Conditions.

Some of these Standard Terms and Conditions contain, by reference or substance, a summary of pertinent federal statutes, federal regulations published in the Federal Register (Fed. Reg.) or Code of Federal Regulations (C.F.R.), EOs, or OMB circulars. In particular, these Standard Terms and Conditions incorporate many of the provisions contained in OMB’s Uniform Guidance for Grants and Cooperative Agreements (2 C.F.R. Part 200), which supersedes former OMB Circular A-102 (the former grants management common rule), OMB Circular A-133 (single audit requirements), and all former OMB circulars containing the cost principles for grants and cooperative agreements. To the extent that it is a summary, such a provision is not in derogation of, or an amendment to, any such statute, regulation, EO, or OMB circular. Unless a definition is provided here, definitions can be found in the RESTORE Act (Public Law No. 112-141 (July 6, 2012)), Treasury’s RESTORE Act regulations (79 Fed. Reg. 48039 (Aug. 15, 2014) and 79 Fed. Reg. 61236 (Oct. 10, 2014), codified at 31 C.F.R. Part 34)), and/or 2 C.F.R. Part 200.

A PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT

In addition to all the Standard Terms and Conditions described in Sections C through V of this document, all Treasury RESTORE Act awards made under the Direct Component include the following Program-Specific Terms and Conditions in this Section A:

1. Administrative Costs

- a. Administrative costs are defined at 31 C.F.R. § 34.2.
- b. Under no circumstances may the recipient use more than three percent of the Award funds received for administrative costs. Administrative costs do not include indirect costs that are identified specifically with, or readily assignable to facilities, as defined in 2 C.F.R. § 200.414. Costs borne by subrecipients do not count toward the three percent cap.
- c. Up to 100 percent of program income may be used to pay for allowable administrative costs, subject to the three percent cap.

2. Oil Spill Liability Trust Fund

The recipient must not seek any compensation for the approved program or project from the Oil Spill Liability Trust Fund. If the recipient is authorized to make subawards, the recipient must not use Direct Component funds to make subawards to fund activities for which any claim for compensation was filed and paid out by the Oil Spill Liability Trust Fund after July 6, 2012.

3. Remedies for Noncompliance

- a. If Treasury determines that the recipient has expended Direct Component funds to cover the cost of any ineligible activities, in addition to the remedies available in Section M of these Standard Terms and Conditions, per 31 C.F.R. § 34.804, Treasury will make no additional payments to the recipient from the Gulf Coast Restoration Trust Fund (Trust Fund), including no payments from the Trust Fund for activities, projects, or programs until the recipient has either (1) deposited an amount equal to the amount expended for the ineligible activities in the Trust Fund, or (2) Treasury has authorized the recipient to expend an equal amount from the recipient's own funds for an activity that meets the requirements of the RESTORE Act.
- b. If Treasury determines the recipient has materially violated the terms of this Award, Treasury will make no additional funds available to the recipient from any part of the Trust Fund until the recipient corrects the violation.

B PROGRAM-SPECIFIC TERMS AND CONDITIONS - AWARDS UNDER THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM

In addition to all the Standard Terms and Conditions described in Sections C through V of this document, all Treasury RESTORE Act awards under the Centers of Excellence Research Grants Program include the following Program-Specific Terms and Conditions in this Section B:

1. Allowable Costs

In addition to the prohibitions contained in 2 C.F.R. Part 200, Subpart E (*Cost Principles*), the following costs are unallowable unless approved in writing by Treasury:

- a. Construction, including the alteration, repair, or rehabilitation of existing structures. Facilities costs are allowable as indirect costs in a federally approved negotiated indirect cost rate.
- b. Acquisition of land or interests in land.

2. Notifications

- a. If the selection of a Center or Centers of Excellence occurs after the start date of this Award, the recipient must promptly inform Treasury of the following:
 - i. Name of the Center of Excellence and the entity selected to administer it, including the names of member organizations if the entity is a consortium;
 - ii. The DUNS Number of the entity;
 - iii. Location of the entity;
 - iv. Discipline or disciplines assigned to the Center of Excellence;
 - v. Description of the actual public input process undertaken, including a summary of any comments received and a description of how they were addressed; and
 - vi. The estimated budget for the Center, including the total allocation of funded dollars for the Center.
- b. The recipient must immediately notify Treasury if it anticipates selecting a new entity or consortium to serve as a Center of Excellence, or making other changes to the initial selection of Center(s) of Excellence described in the scope of work.

3. Performance Reports

In addition to the reporting requirements in Section D, the recipient must submit an annual report to the Gulf Coast Ecosystem Restoration Council ("Council"), in a form prescribed by the Council that includes information on subrecipients, subaward amounts, disciplines addressed, and any other information required by the Council. When the subrecipient is a consortium, the annual report must also identify the consortium members. The recipient must provide a copy of this report to Treasury when it submits the report to the Council.

STANDARD TERMS AND CONDITIONS

AWARDS UNDER THE DIRECT COMPONENT AND THE CENTERS OF EXCELLENCE RESEARCH GRANTS PROGRAM

C FINANCIAL REQUIREMENTS

1. Applicable Regulations

This Award is subject to the following federal regulations and requirements. This list is not exclusive:

- a. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, Subparts A through F, and any Treasury regulations incorporating these requirements.
- b. Treasury's RESTORE Act regulations, 31 C.F.R. Part 34.
- c. Governmentwide Debarment and Suspension, 31 C.F.R. Part 19.
- d. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- e. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- f. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170.
- g. Award Term related to Trafficking in Persons, 2 C.F.R. Part 175.

2. Scope of Work

The recipient must only use funds obligated and disbursed under this Award for the purpose of carrying out activities described in the attached approved scope of work. The recipient must not incur or pay any expenses under this Award for activities not related to the attached approved scope of work unless Treasury first approves an Award amendment explicitly modifying the approved scope of work to include those activities.

3. Period of Performance: Pre-award Costs

The recipient must use funds obligated and disbursed under this Award only during the period of performance specified in the Notice of Award, which is the time period during which the recipient may incur new obligations and costs to carry out the work authorized under this Award. The only exception is for costs incurred prior to the effective date of this Award, which are allowable only if:

- a. Treasury specifically authorized these costs in writing on or after the issuance date of this Award;
- b. Incurring these costs was necessary for the efficient and timely performance of the scope of work; and
- c. These costs would have been allowable if incurred after the date of the award.

4. Indirect Costs

- a. The recipient may only charge indirect costs to this Award if these costs are allowable under 2 C.F.R. Part 200, subpart E (*Cost Principles*).

- b. Indirect costs charged must be consistent with an accepted de minimis rate or the indirect cost rate agreement negotiated between the recipient and its cognizant agency (defined as the federal agency that is responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, see 2 C.F.R. § 200.19) and must be included in the recipient's budget.
- c. Unallowable direct costs are not recoverable as indirect costs.
- d. The maximum dollar amount of allocable indirect costs charged to this Award shall be the lesser of:
 - i. The line item amount for the indirect costs contained in the approved budget, including all budget revisions approved in writing by the Treasury; or,
 - ii. The total indirect costs allocable to this Award based on the indirect cost rate approved by a cognizant or oversight federal agency and applicable to the period in which the cost was incurred, provided that the rate is approved on or before the Award end date.

5. Cost Sharing and Budget Limitations

- a. The recipient is not required to contribute any matching funds.
- b. The recipient shall not request or receive additional funding beyond what was included in the approved application for the attached approved scope of work from any federal or non-federal source without first notifying Treasury.

6. Program Income

Any program income (defined at 2 C.F.R. § 200.80) generated by the recipient or the subrecipient during the period of performance of the award or subrecipient agreement, as applicable, must be included in the approved budget and be used for the purposes of the Award and under the conditions of these Standard Terms and Conditions and any Special Award Conditions, i.e. solely to accomplish the approved scope of work.

7. Incurring Costs or Obligating Federal Funds Beyond the Expiration Date

The recipient must not incur costs or obligate funds under this Award for any purpose pertaining to the operation of the activity, project, or program beyond the end of the period of performance. The only costs which are authorized for a period up to 90 days following the end of the period of performance are those strictly associated with close-out activities. Close-out activities are normally limited to the preparation of final progress, financial, and required audit reports unless otherwise approved in writing by Treasury. Under extraordinary circumstances, and at Treasury's sole discretion, Treasury may approve the recipient's request for an extension of the 90-day closeout period.

8. Tax Refunds

Refunds of taxes paid under the Federal Insurance Contributions Act (FICA) and the Federal Unemployment Tax Act (FUTA) that are received by the recipient during or after the period of performance must be refunded or credited to Treasury if these taxes were paid out of RESTORE Act funds in accordance with 2 C.F.R. Part 200, subpart E (*Cost Principles*). The recipient agrees to contact Treasury immediately upon receipt of these refunds.

9. **Subawards**

- a. If the recipient is permitted to make subawards under this award, the recipient must execute a legally binding written agreement with the subrecipient which includes a budget by federal object class categories or fixed amount (2 CFR 200.332) if approved by Treasury. This agreement must incorporate all the terms and conditions of this Award, including any Special Award Conditions, and must include the information at 2 C.F.R. § 200.331. The recipient must perform all responsibilities required of a pass-through entity, as specified in 2 C.F.R. Part 200.
- b. The recipient must evaluate and document each subrecipient's risk of noncompliance with federal statutes, federal regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring strategy, as described in 2 C.F.R. § 200.331(b).
- c. The recipient must monitor the subrecipient's use of federal funds through reporting, site visits, regular contact, or other means to provide reasonable assurance that the subrecipient is administering the subaward in compliance with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions, and to ensure that performance goals are achieved.
- d. The recipient must provide training and technical assistance to the subrecipient as necessary.
- e. The recipient must, if necessary, take appropriate enforcement actions against non-compliant subrecipients.
- f. If lower tier subawards are authorized by Treasury, the recipient must ensure that a subrecipient who makes a subaward applies the terms and conditions of this Award, including any Special Award Conditions, to all lower tier subawards through a legally binding written agreement, and that a subrecipient who makes a subaward carries out all the responsibilities of a pass-through entity described at 2 C.F.R. Part 200.
- g. The recipient must maintain written standards of conduct governing the performance of its employees involved in executing this Award and administration of subawards.
 - i. No employee, officer, or agent shall participate in the selection, award, or administration of a subaward supported by federal funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization in which he/she serves as an officer or which employs or is about to employ any of the parties mentioned in this section, has a financial interest or other interest in the organization selected or to be selected for a subaward.
 - ii. The officers, employees, and agents of the recipient shall neither solicit nor accept anything of monetary value from subrecipients.
 - iii. A recipient may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. A financial interest may include employment, stock ownership, a creditor or debtor relationship, or prospective employment with the organization selected or to be selected for a subaward.
 - iv. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.

D RECIPIENT REPORTING AND AUDIT REQUIREMENTS

1. Financial Reports

- a. The recipient must submit a "Federal Financial Report" (SF-425) on a semi-annual basis for the periods ending March 31 and September 30 (or June 30 and December 31, if instructed by Treasury), or any portion thereof, unless otherwise specified in a special award condition. Reports are due no later than 30 days following the end of each reporting period. A final SF-425 must be submitted within 90 days after the end of the period of performance.
- b. In the remarks section of each SF-425 submitted, the recipient must describe by federal budget class category the use of all funds received by the recipient and subrecipient (if applicable).
- c. The report must be signed by an authorized certifying official who is the employee authorized by the recipient organization to submit financial data on its behalf.
- d. The recipient must submit all financial reports via <http://www.GrantSolutions.gov>, unless otherwise specified by Treasury in writing.

2. Performance Reports

- a. The recipient must submit an SF-PPR ("Performance Progress Report"), a "RESTORE Act Status of Performance Report," (standard format provided by Treasury, OMB Approval No. 1505-0250) and an updated "RESTORE Act Milestones Report," (standard format provided by Treasury, OMB Approval No. 1505-0250) on a semi-annual basis for the periods ending March 31 and September 30 (or June 30 and December 31, if instructed by Treasury), or any portion thereof, unless otherwise specified in a Special Award Condition. Reports are due no later than 30 days following the end of each reporting period, except the final report, which is due 90 days following the end of the period of performance.
- b. The recipient must submit all performance reports in (a) above, via <http://www.GrantSolutions.gov>, unless otherwise specified in writing by Treasury, and the recipient must complete these reports according to the following instructions:
 - i. SF-PPR: In the "performance narrative" attachment (section B of the SF-PPR), the recipient must provide the following information:
 - a) In Section B-1:
 - 1) Summarize activities undertaken during the reporting period by the recipient and any subrecipients (if applicable);
 - 2) Summarize any key accomplishments, including milestones completed for the reporting period;
 - 3) List any contracts awarded during the reporting period, along with the name of the contractor and its principal, the DUNS number of the contractor, the value of the contract, the date of award, a brief description of the services to be provided, and whether or not local preference was used in the selection of the contractor; and
 - 4) If the recipient or any subrecipient is authorized to make

subawards, list any subawards executed during the reporting period, along with the name of the entity and its principal, the DUNS number of the entity, the value of the agreement, the date of award, and a brief description of the scope of work.

b) In Section B-2:

- 1) Indicate if any operational, legal, regulatory, budgetary, and/or ecological risks, and/or any public controversies, have materialized. If so, indicate what mitigation strategies have been undertaken to attenuate these risks or controversies; and
- 2) Summarize any challenges that have impeded the recipient's ability to accomplish the approved scope of work on schedule and on budget. If the scope of work is not on schedule, the recipient should propose a revised schedule and update its milestone report.

c) In Section B-3:

Summarize any significant findings or events, including any data compiled, collected, or created, if applicable.

d) In Section B-4:

Describe any activities to disseminate or publicize results of the activity, project, or program, including data and its repository and citations for publications resulting from this Award.

e) In Section B-5:

- 1) Describe all efforts taken to monitor contractor and/or subrecipient performance, including site visits, during the reporting period.
- 2) For subawards, indicate whether the subrecipient(s) submitted an audit to the recipient, and if so, whether the recipient issued a management decision on any findings; and
- 3) For awards where Davis-Bacon Act provisions are applicable, indicate whether the recipient and/or subrecipient(s) received and reviewed certified weekly payroll records and/or whether the recipient or subrecipient(s) conducted labor interviews.
- 4) Describe any other activities or relevant information not already provided.

f) In Section B-6:

Summarize the activities planned for the next reporting period.

- ii. "RESTORE Act Status of Performance Report": Instructions are provided on the report form.
- iii. "RESTORE Act Milestones Report": Instructions are provided on the report form.

3. **Interim Reporting on Significant Developments per 2 C.F.R. § 200.328(d)**

- a. Events may occur between the scheduled performance reporting dates that have significant impact upon the activity, project, or program. In such cases, the recipient must inform Treasury as soon as the following types of conditions

become known:

- i. Problems, delays, or adverse conditions which will materially impair the ability to meet the objective of this Award. This disclosure must include a statement of the action taken, or contemplated, and any assistance needed to resolve the situation.
- ii. Favorable developments, which enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

b. The recipient must:

- i. Promptly provide to Treasury and the Treasury Inspector General a copy of all state or local inspector general reports, audit reports other than those prepared under the Single Audit Act, and reports of any other oversight body, if such report pertains to an award under any RESTORE Act component, including the Comprehensive Plan Component and Spill Impact Component.
- ii. Immediately notify Treasury and the Treasury Inspector General of any indication of fraud, waste, abuse, or potentially criminal activity pertaining to grant funds.
- iii. Promptly notify Treasury upon the selection of a contractor or subrecipient performing work under this Award, and include the name and DUNS number for the subrecipient or contractor, and the total amount of the contract or subaward.

4. **Audit Requirements**

The recipient is responsible for complying, and ensuring all subrecipients comply, with all audit requirements of the Single Audit Act and 2 C.F.R. Part 200 Subpart F – Audit Requirements.

5. **Operational Self-Assessment**

The recipient must submit a revised *Operational Self-Assessment* form no later than June 30th of each calendar year for the duration of this Award. Only one *Operational Self-Assessment* must be submitted per recipient per year. In completing the form, the recipient must note controls or activities that have changed from its previous submission. The recipient must submit the *Operational Self-Assessment* electronically to restoreact@treasury.gov, unless otherwise specified in writing by Treasury. The form may be downloaded at [Direct Component OSA or Centers of Excellence OSA](#).

E FINANCIAL MANAGEMENT SYSTEM AND INTERNAL CONTROL REQUIREMENTS

1. Recipients that are states must expend and account for Award funds in accordance with the applicable state laws and procedures for expending and accounting for the state's own funds. All other recipients must expend and account for Award funds in accordance with federal laws and procedures. In addition, all recipients' financial management systems must be sufficient to:
 - a. Permit the preparation of accurate, current, and complete SF-425, SF-PPR, RESTORE Act Milestones Report, and RESTORE Act Status of Performance Reports, as well as reporting on subawards, if applicable, and any additional reports required by any Special Award Conditions;

- b. Permit the tracing of funds to a level of expenditures adequate to establish that such funds have been used in accordance with all applicable federal, state, and local requirements, including the RESTORE Act, Treasury RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions.
 - c. Allow for the comparison of actual expenditures with the amount budgeted for each Award made to the recipient by Treasury under the RESTORE Act.
 - d. Identify and track all RESTORE Act awards received and expended by the assigned grant number, which is the Universal Award ID (as provided by Treasury), the year the Award was made, the awarding agency (Treasury), and the program's CFDA title and CFDA number (21.015).
 - e. Record the source and application of funds for all activities funded by this Award, as well as all awards, authorizations, obligations, unobligated balances, assets, expenditures, program income, and interest earned on federal advances, and allow users to tie these records to source documentation such as cancelled checks, paid bills, payroll and attendance records, contract and subaward agreements, etc.
 - f. Ensure effective control over, and accountability for, all federal funds, and all property and assets acquired with federal funds. The recipient must adequately safeguard all assets and ensure that they are used solely for authorized purposes.
2. The recipient must establish written procedures to implement the requirements set forth in section H below (Award Disbursement), as well as written procedures to determine the allowability of costs in accordance with 2 C.F.R. Part 200, subpart E (*Cost Principles*) and the terms and conditions of this Award.
3. The recipient must establish and maintain effective internal controls over this Award in a manner that provides reasonable assurance that the recipient is managing this Award in compliance with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO). The recipient must evaluate and monitor its compliance, and the compliance of any subrecipients, with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and any Special Award Conditions, and promptly remedy any identified instances of noncompliance. When and if an instance of noncompliance cannot be remedied by the recipient, the recipient must promptly report the instance of noncompliance to Treasury and the Treasury Inspector General, followed by submitting a proposed mitigation plan to Treasury.
4. The recipient must take reasonable measures to safeguard protected personally identifiable information (PII) consistent with applicable federal, state, and local laws regarding privacy and obligations of confidentiality.

F RECORDS RETENTION REQUIREMENTS

1. The recipient must retain all records pertinent to this Award for a period of three years, beginning on a date as described in 2 C.F.R. § 200.333. While electronic storage of records (backed up as appropriate) is preferable, the recipient has the option to store records in hardcopy (paper) format. For the purposes of this section, the term "records" includes but is not limited to:

- a. Copies of all contracts and all documents related to a contract, including the Request for Proposal (RFP), all proposals/bids received, all meeting minutes or other documentation of the evaluation and selection of contractors, any disclosed conflicts of interest regarding a contract, all signed conflict of interest forms, all conflict of interest and other procurement rules governing a particular contract, and any bid protests;
 - b. Copies of all subawards and all documents related to a subaward. For competitively selected subawards, documents may include those relevant to and required by the recipient's or subrecipient's selection process such as the funding opportunity announcement or equivalent, all applications received, all meeting minutes or other documentation of the evaluation and selection of subrecipients, any disclosed conflicts of interest regarding a subaward, and all signed conflict of interest forms;
 - c. All documentation of site visits, reports, audits, and other monitoring of contractors (vendors) and subrecipients;
 - d. All financial and accounting records, including records of disbursements to contractors (vendors) and subrecipients, and documentation of the allowability of Administrative Costs charged to this Award;
 - e. All supporting documentation for the performance outcome and other information reported on the recipient's SF-425s, SF-PPRs, RESTORE Act Milestones Reports, and RESTORE Act Status of Performance Reports; and
 - f. Any reports, publications, and data sets from any research conducted under this Award.
- 2. If any litigation, claim, investigation, or audit relating to this Award or an activity funded with Award funds is started before the expiration of the three year period, the records must be retained until all litigation, claims, investigations, or audit findings involving the records have been resolved and final action taken.
 - 3. If the recipient is authorized to enter into contracts to complete the approved scope of work, the recipient must include in its legal agreement with the contractor a requirement that the contractor retain all records in compliance with 2 C.F.R. § 200.333.
 - 4. If the recipient is authorized to make subawards, the recipient must include in its legal agreement with the subrecipient a requirement that the subrecipient retain all records in compliance with 2 C.F.R. § 200.333.

G THE FEDERAL GOVERNMENT'S RIGHT TO INSPECT, AUDIT, AND INVESTIGATE

1. Access to Records

- a. Treasury, the Treasury Office of Inspector General, and the Government Accountability Office have the right of timely and unrestricted access to any documents, papers or other records, including electronic records, of the recipient that are pertinent to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the recipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained.
- b. If the recipient is authorized to make subawards, the recipient must include in its legal agreement or contract with the subrecipient a requirement that the subrecipient make available to Treasury, the Treasury Office of Inspector General, and the Government Accountability Office any documents, papers or other records, including electronic records, of the subrecipient, that are pertinent

to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the subrecipient's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are required to be retained (see Section F above).

If the recipient is authorized to enter into contracts to complete the approved scope of work, the recipient must include in its contract a requirement that the contractor make available to Treasury, the Treasury Office of Inspector General, and the Government Accountability Office any documents, papers or other records, including electronic records, of the contractor that are pertinent to this Award, in order to make audits, investigations, examinations, excerpts, transcripts, and copies of such documents. This right also includes timely and reasonable access to the contractor's personnel for the purpose of interview and discussion related to such documents. This right of access shall continue as long as records are retained (see Section F above).

2. Access to the Recipient's Sites.

The Treasury, the Treasury Office of Inspector General, and Government Accountability Office shall have the right during normal business hours to conduct announced and unannounced onsite and offsite physical visits of recipients and their subrecipients and contractors corresponding to the duration of their records retention obligation for this Award.

H AWARD DISBURSEMENT

1. Unless otherwise specified in a Special Award Condition, Treasury will make advance payments under this Award. However, if one of the following occurs, Treasury will require Award funds to be disbursed on a reimbursement basis either with or without pre-approval of drawdown requests: (1) Treasury determines that the recipient does not meet the financial management system standards (see Section E) included in these Standard Terms and Conditions, (2) Treasury determines that the recipient has not established procedures that will minimize the time elapsing between the transfer of funds and disbursement, or (3) Treasury determines that the recipient is in noncompliance with the RESTORE Act, Treasury's RESTORE Act regulations, other pertinent federal statutes, these Standard Terms and Conditions, Program-Specific Terms and Conditions, and/or any Special Award Conditions, and determines that the appropriate remedy is to require payment on a reimbursement basis.
2. If reimbursement is used, Treasury may require pre-approval of drawdown requests. If Treasury requires pre-approval of drawdown requests, Treasury will provide the recipient with instructions on what billing to submit. Treasury will make payment within 30 calendar days after receipt of the billing, unless Treasury determines the request to be improper, in which case payment will not be made.
3. To the extent available, the recipient must disburse funds available from program income, rebates, refunds, contract settlements, audit recoveries, and interest earned on such funds before requesting additional cash payments of Award funds.
4. Treasury will use the Department of Treasury's Automated Standard Application for Payment (ASAP) system to disburse payments of Award funds. In order to receive payments, the recipient must first enroll in ASAP.gov. Treasury creates and funds account(s) for recipients in ASAP.gov, and recipients access their account(s) online to request funds. All Award funds will be disbursed electronically using the Automated Clearing House (ACH) for next day or future day payments only. Awards paid through ASAP.gov may contain controls or withdrawal limits set by Treasury.
5. Requirements applicable to recipients that are states: Payment methods of state

agencies or instrumentalities must be consistent with Treasury-State agreements under the Cash Management Improvement Act, 31 C.F.R. Part 205 "Rules and Procedures for Efficient Federal-State Funds Transfers," and Treasury Financial Manual (TFM) 4A-2000 Overall Disbursing Rules for All Federal Agencies.

6. Requirements applicable to recipients that are not states: The recipient must minimize the time between the transfer of funds from Treasury and the use of the funds by the recipient. Advance payments to the recipient must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the recipient in carrying out the purpose of the approved activity, project, or program. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the parish or county for activity, project, or program costs and the proportionate share of any allowable indirect costs. Advances should not be drawn down more than three business days before expenditure. Advanced funds not disbursed in a timely manner must be promptly returned to Treasury. The recipient must make timely payment to contractors (vendors) in accordance with the contract provisions.
7. Advances of federal funds must be deposited and maintained in United States Government-insured interest-bearing accounts whenever possible. The recipient is not required to maintain a separate depository account for receiving Award funds. If the recipient maintains a single depository account where advances are commingled with funds from other sources, the recipient must maintain on its books a separate subaccount for the Award funds. Consistent with the national goal of expanding opportunities for women-owned and minority-owned business enterprises, the recipient is encouraged to ensure fair consideration of women-owned and minority-owned banks (a bank which is owned at least 50 percent by women or minority group members).
8. The recipient must maintain advances of federal funds in interest bearing accounts, unless one of the following conditions applies:
 - a. The recipient receives less than \$120,000 in federal awards per year;
 - b. The best reasonably available interest bearing account would not be expected to earn interest in excess of \$500 per year on federal cash balances; or
 - c. The depository would require an average or minimum balance so high that it would not be feasible within the expected federal and non-federal cash resources.
9. On an annual basis, the recipient must remit interest earned on federal advance payments deposited in interest-bearing accounts to the Department of Health and Human Services, Payment Management System, Rockville, MD 20852. Interest amounts up to \$500 per year may be retained by the recipient and used for administrative costs.

I EFFECT OF A GOVERNMENT SHUTDOWN ON DISBURSEMENTS AND THE AVAILABILITY OF TREASURY PERSONNEL

In the event of a federal government shutdown, Treasury will issue guidance to the recipient concerning the expected effects on this Award.

J NOTIFICATIONS AND PRIOR APPROVALS

1. Notifications

In addition to other notifications required under these Standard Terms and Conditions, the recipient must promptly notify Treasury in writing whenever any of the following is anticipated or occurs:

- a. A vacancy or change to key personnel listed in the application.
- b. Any termination of a subaward prior to the expiration of the agreement with the subrecipient.
- c. Except for changes described in (2) below, the recipient may revise the budget without prior approval. If the recipient alters the budget, the recipient must provide a revised budget form (SF-424A or SF-424C, as applicable) to Treasury as an attachment to the SF-PPR, reflecting all budget revisions from the same period covered by the SF-PPR. Acceptance of such budget information does not constitute Treasury's approval of the revised budget.

2. **Prior Approvals**

- a. The recipient must obtain prior written approval from Treasury whenever any of the following actions is anticipated:
 - i. A change in the scope or the objective of the activity, project, or program (even if there is no associated budget revision requiring prior written approval);
 - ii. A need to extend the period of performance;
 - iii. A need for additional federal funds to complete the activity, project, or program;
 - iv. The transfer of funds among direct cost categories or programs, functions, and activities if this Award exceeds the Simplified Acquisition Threshold (defined at 2 C.F.R. § 200.88) and the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by Treasury;
 - v. The subawarding, transferring or contracting out of any work under this Award (this provision does not apply to the acquisition of supplies, material, equipment or general support services), unless described in the application and approved in this Award.;
 - vi. Any transfer between the non-construction and construction activities; and
 - vii. The inclusion of costs that require prior approval in accordance with 2 C.F.R. Part 200, Subpart E—Cost Principles, unless described in the application and approved in this Award.
- b. If requesting a no-cost extension to this Award, the request must be made no less than 30 days prior to the end of the period of performance for this Award. Any extension of the period of performance requires prior written approval from Treasury.

K PROPERTY

1. **General Requirements**

- a. The recipient must comply with the property standards at 2 C.F.R. § 200.310 through § 200.316 for real property, equipment, supplies, and intangible property. The recipient must also comply with the RESTORE Act requirements concerning the acquisition of land and interests in land at 31 C.F.R. § 34.803.
- b. No real property or interest in real property may be acquired under this Award unless authorized in the approved scope of work.

2. Supplies and Equipment

- a. Requirements that are applicable to recipients that are states:
 - i. Equipment: The recipient must use, manage, and dispose of equipment acquired under this Award in accordance with state laws and procedures.
 - ii. Supplies: If the recipient has a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the activity, project, or program and the supplies are not needed for any other federal award, the recipient must report the value and the retention or sale of such supplies by submitting to Treasury a completed *SF-428 Tangible Personal Property Report* and *SF-428-B Final Report Form* no later than 60 days after the end of the Period of Performance.
- b. Requirements that are applicable to recipients that are not states:
 - i. Equipment and Supplies: During the period of performance, the recipient must seek disposition instructions from Treasury for equipment and/or unused or residual supplies acquired under this Award if the current fair market value of the equipment and/or unused or residual supplies is greater than \$5,000 per unit. The recipient must seek disposition instructions before disposing of the property by submitting a completed *SF-428 Tangible Personal Property Report* and *SF-428-C Disposition Request/Report*. Not later than 60 days after the end of the period of performance, the recipient must submit to Treasury a completed *SF-428 Tangible Personal Property Report* and *SF-428-B Final Report Form* if the recipient retains any equipment with a current fair market value greater than \$5,000 per unit or a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the activity, project, or program and the equipment and/or supplies are not needed for any other federal award.

L AMENDMENTS AND CLOSEOUT

1. Amendments

- a. The terms of this Award may be amended with the written approval of the recipient and Treasury.
- b. Treasury reserves the right to amend the terms of this Award if required by federal law or regulation.
- c. Amendments must be requested in writing, and must include an explanation for the reason this Award should be amended.

2. Closeout

- a. Treasury will close out this Award when it determines that all applicable administrative actions and all required work of this Award have been completed.
- b. Within 90 calendar days after the end of the period of performance, unless the recipient requests, and Treasury approves, an extension, the recipient must submit any outstanding SF-PPR and RESTORE Act Status of Performance reports, as well as the required reporting on subawards, if applicable, plus a final SF-425 report. In the remarks section of the final SF-425 report, the recipient

must describe by federal budget class category the final use of all funds received by the recipient and subrecipient (if applicable).

- c. The recipient must liquidate all obligations incurred under this Award not later than 90 calendar days after the end of the period of performance, unless the recipient requests, and Treasury approves, an extension.
- d. The recipient must promptly refund any balances of unobligated cash that Treasury paid.
- e. Following receipt of reports in paragraph (a) of this section, Treasury will make upward or downward adjustments to the allowable costs, and then make prompt payment to the recipient for allowable, unreimbursed costs.
- f. The closeout of this Award does not affect any of the following:
 - i. The right of Treasury to disallow costs and recover funds on the basis of a later audit or other review;
 - ii. The obligation of the recipient to return any funds due as a result of later refunds, corrections, or other transactions including final indirect cost rate adjustments;
 - iii. The recipient's obligations regarding audits, property management and disposition (if applicable), and records retention.

M REMEDIES FOR NONCOMPLIANCE

1. If Treasury determines that the recipient has failed to comply with the RESTORE Act, Treasury's RESTORE Act regulations, these Standard Terms and Conditions, Program-Specific Terms and Conditions, or any Special Award Conditions, Treasury may take any of the following actions (in addition to the remedies in Section A.3, above, applicable to Direct Component awards):
 - a. Impose additional Special Award Conditions such as:
 - i. Allowing payment only on a reimbursement basis, with pre-approval of drawdown requests,
 - ii. Requiring additional reporting or more frequent submission of the SF-425, SF-PPR, or RESTORE Act Status of Performance Report,
 - iii. Requiring additional activity, project, or program monitoring,
 - iv. Requiring the recipient or one or more of its subrecipients to obtain technical or management assistance, and/or
 - v. Establishing additional actions that require prior approval;
 - b. Temporarily withhold payments pending correction of the noncompliance;
 - c. Disallow from funding from this Award all or part of the cost of the activity or action not in compliance;
 - d. Wholly or partly suspend or terminate this Award;
 - e. Withhold additional Awards; and/or
 - f. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180.

Treasury will notify the recipient in writing of Treasury's proposed determination that an instance of noncompliance has occurred, provide details regarding the instance of noncompliance, and indicate the remedy that Treasury proposes to pursue. The recipient

will have 30 calendar days to respond and provide information and documentation contesting Treasury's proposed determination or suggesting an alternative remedy. Treasury will consider any and all information provided by the recipient and issue a final determination in writing, which will state Treasury's final findings regarding noncompliance and the remedy to be imposed.

2. In extraordinary circumstances, Treasury may require that any of the remedies above take effect immediately upon notice in writing to the recipient. In such cases, the recipient may contest Treasury's determination or suggest an alternative remedy in writing to Treasury, and Treasury will issue a final determination.
3. Instead of, or in addition to, the remedies listed above, Treasury may refer the noncompliance to the Treasury Office of Inspector General for investigation or audit. Treasury will refer all allegations of fraud, waste, or abuse to the Treasury Inspector General.
4. Treasury may terminate this Award in accordance with 2 C.F.R. § 200.339. Requests for termination by the recipient must also be in accordance with 2 C.F.R. § 200.339. Such requests must be in writing and must include the reasons for such termination, the effective date, and in the case of partial termination, the portion to be terminated. If Treasury determines that the remaining portion of this Award will not accomplish the purpose of this Award, Treasury may terminate this Award in its entirety.
5. If this Award is terminated, Treasury will update or notify any relevant government-wide systems or entities of any indications of poor performance as required by 41 U.S.C. § 417b and 31 U.S.C. § 3321 and implementing guidance at 2 C.F.R. Part 180.
6. Costs that result from obligations incurred by the recipient during a suspension or after termination are not allowable unless Treasury expressly authorizes them in the notice of suspension or termination or subsequently. However, costs during suspension or after termination are allowable if: (1) the costs result from obligations which were properly incurred by the recipient before the effective date of suspension or termination, and are not in anticipation of it; and (2) the costs would be allowable if the Award was not suspended or expired normally at the end of the period of performance in which the termination takes effect.

N DEBTS

1. Payment of Debts Owed the Federal Government

- a. Any funds paid to the recipient in excess of the amount to which the recipient is finally determined to be authorized to retain under the terms of this Award constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by the recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges (see paragraphs c, d, and e below) shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Treasury will refer any debt that is more than 180 days delinquent to Treasury's Bureau of the Fiscal Service for debt collection services.
- c. The minimum annual interest rate to be assessed on any debts is the Department of the Treasury's Current Value of Funds Rate (CVFR). The CVFR is available online at https://www.fiscal.treasury.gov/fsreports/rpt/cvfr/cvfr_home.htm. The assessed rate shall remain fixed for the duration of the indebtedness, based on the beginning date in Treasury's written demand for payment.
- d. Penalties on any debts shall accrue at a rate of not more than 6 percent per year

or such other higher rate as authorized by law.

- e. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by Treasury.
- f. Funds for payment of a debt must not come from other federally sponsored programs. Verification that other federal funds have not been used will be made, e.g., during on-site visits and audits.

2. **Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs**

Pursuant to 28 U.S.C. § 3201(e), unless waived in writing by Treasury, a debtor who has a judgment lien against the debtor's property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the federal government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

O NON-DISCRIMINATION REQUIREMENTS

No person in the United States shall, on the ground of race, color, national origin, handicap, age, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. The recipient is required to comply with all non-discrimination requirements summarized in this section, and to ensure that all subawards and contracts contain these nondiscrimination requirements.

1. **Statutory Provisions**

- a. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) prohibits discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
- b. Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) prohibits discrimination on the basis of sex under federally assisted education programs or activities;
- c. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) prohibits discrimination on the basis of handicap under any program or activity receiving or benefitting from federal assistance;
- d. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance;
- e. The Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.) ("ADA"), including the ADA Amendments Act of 2008 (Public Law 110-325, ("ADAAA"), prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto, as well as public or private entities that provide public transportation;
- f. Any other applicable non-discrimination law(s).

2. **Regulatory Provisions**

- a. Treasury Title VI regulations, 31 C.F.R. Part 22, implement Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. §§ 2000d, et seq.) which prohibits discrimination on the grounds of race, color, or national origin under programs or

activities receiving federal financial assistance;

- b. Treasury Title IX regulations, 31 C.F.R. Part 28, implement Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681 et seq.) which prohibits discrimination on the basis of sex under federally assisted education programs or activities;
- c. Treasury Age Discrimination regulations, 31 C.F.R. Part 23, implement the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in programs and activities receiving federal financial assistance.

3. **Other Provisions**

- a. Parts II and III of EO 11246 (30 Fed. Reg. 12319, 1965), "Equal Employment Opportunity," as amended by EO 11375 (32 Fed. Reg. 14303, 1967) and 12086 (43 Fed. Reg. 46501, 1978), require federally assisted construction contracts to include the nondiscrimination provisions of §§ 202 and 203 of EO 11246 and Department of Labor regulations implementing EO 11246 (41 C.F.R. § 60-1.4(b), 1991).
- b. EO 13166 (August 11, 2000), "Improving Access to Services for Persons With Limited English Proficiency," requires federal agencies to examine the services provided, identify any need for services to those with limited English proficiency (LEP), and develop and implement a system to provide those services so LEP persons can have meaningful access to them.

4. **Title VII Exemption for Religious Organizations**

Generally, Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., provides that it shall be an unlawful employment practice for an employer to discharge any individual or otherwise to discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin. However, Title VII, 42 U.S.C. § 2000e-1(a), expressly exempts from the prohibition against discrimination on the basis of religion, a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

5. **Protections for Whistleblowers**

In accordance with 41 U.S.C. § 4712, neither the recipient nor any of its subrecipients, contractors (vendors), or subcontractors may discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to a person or entity listed below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant:

- a. A Member of Congress or a representative of a committee of Congress;
- b. An Inspector General;
- c. The Government Accountability Office;
- d. A Treasury employee responsible for contract or grant oversight or management;
- e. An authorized official of the Department of Justice or other law enforcement

- agency;
- f. A court or grand jury; and/or
- g. A management official or other employee of the recipient, subrecipient, vendor, contractor (vendor), or subcontractor who has the responsibility to investigate, discover, or address misconduct.

P REQUIREMENT TO CHECK DEBARMENT AND SUSPENSION STATUS OF SUBRECIPIENTS, CONTRACTORS, SUBCONTRACTORS AND VENDORS

1. Recipients that are authorized to enter into subawards or contracts to accomplish all or a portion of the approved scope of work must verify that a proposed subrecipient or contractor (if the contract is expected to equal or exceed \$25,000) or its principals, does not appear on the federal government's Excluded Parties List prior to executing an agreement or contract with that entity. Recipients may not enter into a subaward or contract with an entity that appears on the Excluded Parties List. The Excluded Parties List is accessible at <http://www.sam.gov>.
2. The recipient must ensure that any agreements or contracts with subrecipients or contractors (vendors) require that they verify that their contractors (for contracts expected to equal or exceed \$25,000), subcontractors (for subcontracts expected to equal or exceed \$25,000), or principals that the subrecipients or contractors engage to accomplish the scope of work, if applicable, do not appear on the federal government's Excluded Parties List. Subrecipients and contractors may not enter into a contract or subcontract with an entity, or that entity's principals, if that entity or its principals appear on the Excluded Parties List.
3. The recipient must include a term or condition in all lower tier covered transactions (subawards, contracts, and subcontracts described in 31 C.F.R. Part 19, subpart B) that the award is subject to 31 C.F.R. Part 19.

Q DRUG FREE WORKPLACE

The recipient must comply with the provisions of the Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Sec. 5153, as amended by Public Law 105-85, Div. A, Title VIII, Sec. 809, as codified at 41 U.S.C. § 8102), and Treasury implementing regulations at 31 C.F.R. Part 20, which require that the recipient take steps to provide a drug-free workplace.

R LOBBYING RESTRICTIONS

1. **Lobbying Restrictions**
 - a. Solely for the purposes of Section R of these Standard Terms and Conditions, "recipient" is used as defined at 31 C.F.R. § 21.105(0). Solely for the purposes of Section R of these Standard Terms and Conditions, "award recipient" refers to the recipient of this RESTORE Act award from Treasury.
 - b. All recipients must comply with the provisions of 31 U.S.C. § 1352, as amended, and with regulations at 31 C.F.R. Part 21. No appropriated funds may be expended by the recipient of a Federal grant to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant or the extension, continuation, renewal, amendment, or modification of any Federal grant.

2. Certification

- a. Each person who requests or receives from Treasury a RESTORE Act grant shall file with Treasury a certification, set forth in Appendix A of 31 C.F.R. Part 21, that the person has not made, and will not make, any payment prohibited under 31 U.S.C. § 1352, as amended.
- b. The certification shall be filed pursuant to 31 C.F.R. § 21.100(a) and (b).
- c. Any subrecipient, at any tier, who receives a subaward exceeding \$100,000 under this award, shall file with the tier above them a certification, set forth in appendix A of 31 C.F.R. Part 21, that the subrecipient as not made, and will not make, any payment prohibited by 31 C.F.R. § 21.100(a). Pursuant to 31 C.F.R. 21.100(d), the certification shall be filed to the next tier above.
- d. Any contractor or subcontractor, at any tier, who receives a contract or subcontract exceeding \$100,000 under this award, shall file with the tier above them a certifications, set forth in Appendix A of 31 C.F.R. Part 21, that the contractor or subcontractor has not made, and will not make, any payment prohibited by 31 U.S.C. § 1352, as amended. Pursuant to 31 C.F.R. 21.100(d), the certification shall be filed to the next tier above.
- e. Every certification filed shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation and shall not be shared with any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification. If a person fails to file a required certification, the United States may pursue all available remedies, including those authorized by 31 U.S.C. § 1352.

3. Disclosure of Lobbying Activities

- a. The award recipient of this RESTORE Act grant from Treasury, if this grant exceeds \$100,000, shall file with Treasury disclosure form SF-LLL, set forth in Appendix B of 31 CF.R. Part 21, if that award recipient is paid or will pay any funds, other than Federal appropriated funds, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant.
- b. Every recipient of a subaward under this RESTORE Act grant from Treasury, if this grant exceeds \$100,000, shall file with the tier above it the disclosure form SF-LLL, set forth in Appendix B of 31 C.F.R. Part 21, if that recipient has paid or will pay any funds, other than Federal appropriated funds, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant. Each tier who receives the completed and signed SF-LLL disclosure form shall forward it to the tier above it, and the award recipient of this RESTORE Act grant from Treasury will forward it to Treasury.
- c. Every recipient of a contract or subcontract under this RESTORE Act grant from Treasury, if this grant exceeds \$100,000, shall file with the tier above it the disclosure form SF-LLL, set forth in Appendix B of 31 C.F.R. Part 21, if that recipient has paid or will pay any funds, other than Federal appropriated funds, to any person for influencing or attempting to influence an officer or employee

of any agency, a Member of Congress, an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant. Each tier who receives the completed and signed SF-LLL disclosure form shall forward it to the tier above it, and the award recipient of this RESTORE Act grant from Treasury will forward it to Treasury.

- d. Every SF-LLL disclosure form filed shall be treated as a material representation of fact upon which all receiving tiers shall rely. All liability arising from an erroneous representation shall be borne solely by the tier filing that representation and shall not be shared with any tier to which the erroneous representation is forwarded. Submitting an erroneous certification or disclosure constitutes a failure to file the required certification. If a person fails to file a required disclosure, the United States may pursue all available remedies, including those authorized by 31 U.S.C. § 1352,
- e. Pursuant to 31 C.F.R. § 21.110(c), every recipient must file a new disclosure form at the end of each calendar quarter in which a payment, or an agreement to make a payment, is made which would have otherwise required reporting at the time of application. Moreover, if an event occurs during the calendar quarter which materially affects the accuracy of information reported on the disclosure form previously submitted, the submitter must file a new disclosure form. Events which “materially affect” the accuracy of information already reported include:
 - i. A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action;
 - ii. A change in the persons(s) influencing or attempting to influence; and/or
 - iii. A change in the Federal official(s) contacted to influence or attempt to influence a covered Federal action,
- f. The award recipient must submit its form SF-LLs, as well as those received from subrecipients, contractors and subcontractors, to Treasury within 30 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed.
- g. The award recipient must include a statement in all subaward, contracts and subcontracts exceeding \$100,000 in federal funds, that the subaward, contract, or subcontract is subject to 31 U.S.C. § 1352,
- h. The award recipient must require subrecipients, contractors and subcontractors to submit form SF-LLL to the award recipient with 15 calendar days following the end of the calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure from previously filed.

S PROCUREMENT

- 1. The recipient must comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the

quantity acquired by the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

2. When the recipient makes a subaward to a subrecipient that is authorized to enter into contracts for the purpose of completing the subaward scope of work, the recipient must require the subrecipient to comply with the requirements contained in this section.
3. The recipient, subrecipient, contractor, and/or subcontractor must not sub-grant or sub-contract any part of the approved project to any agency or employee of Treasury and/or other federal department, agency, or instrumentality without the prior written approval of Treasury. Treasury will notify the recipient in writing of the final determination.
4. Requirements applicable to recipients and subrecipients that are states: When executing procurement actions under this Award, the recipient must follow the same policies and procedures it uses for procurements from its non-federal funds. The recipient must ensure that every purchase order or other contract contains any clauses required by federal statutes and EOs and their implementing regulations, including all of the provisions listed in Appendix II to 2 C.F.R. Part 200—*Contract Provisions for Non-Federal Entity Contracts under Federal Awards*, as well as any other provisions required by law or regulations.
5. Requirements applicable to recipients and subrecipients that are not states: The recipient must follow all procurement requirements set forth in 2 C.F.R. §§ 200.318, 200.319, 200.320, 200.321, 200.323, and 200.324. In addition, all contracts executed by the recipient to accomplish the approved scope of work must contain any clauses required by federal statutes and EOs and their implementing regulations, including all of the provisions listed in Appendix II to 2 C.F.R. Part 200—*Contract Provisions for Non-Federal Entity Contracts under Federal Awards*.
6. Contracting with small and minority businesses, women's business enterprise, and labor surplus area firms, 2 C.F.R. § 200.321. Recipients and subrecipients that are not states must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - e. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and,
 - f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in (a) through (e) of this paragraph.

T RESEARCH INVOLVING HUMAN SUBJECTS

1. No research involving human subjects is permitted under this Award unless expressly authorized by a special award condition, or otherwise in writing by Treasury.
2. Federal policy defines a human subject as a living individual about whom an investigator conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information. Research means a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge.
3. The recipient and subrecipient, as appropriate, must maintain appropriate policies and procedures for the protection of human subjects. In the event it becomes evident that human subjects may be involved in this project, the recipient must submit appropriate documentation to Treasury for approval by the appropriate Treasury officials. This documentation may include:
 - a. Documentation establishing approval of the project by an institutional review board (IRB) approved for federal-wide use under Department of Health and Human Services guidelines;
 - b. Documentation to support an exemption for the project;
 - c. Documentation to support deferral for an exemption or IRB review; or
 - d. Documentation of IRB approval of any modification to a prior approved protocol or to an informed consent form.
4. No work involving human subjects may be undertaken, conducted, or costs incurred and/or charged for human subjects research, until the appropriate documentation is approved in writing by Treasury.

U ENVIRONMENTAL REQUIREMENTS

The recipient must comply with all environmental standards, and provide information requested by Treasury relating to compliance with environmental standards, including but not limited to the following federal statutes, regulations, and EOs. If the recipient is permitted to make any subawards, the recipient must include all of the environmental statutes, regulations, and executive orders listed below in any agreement or contract with a subrecipient, and require the subrecipient to comply with all of these and to notify the recipient if the subrecipient becomes aware of any impact on the environment that was not noted in the recipient's approved application package:

1. National Historic Preservation Act, as amended (54 U.S.C. § 300101 et seq.) and Archeological and Historic Preservation Act, as amended (54 U.S.C. § 312501 et seq.)
2. The National Environmental Policy Act of 1969, as amended (42 U.S.C. § 4321 et seq.)
3. Clean Air Act, as amended (42 U.S.C. § 7401 et seq.), Clean Water Act, as amended (33 U.S.C. § 1251 et seq.), and EO 11738
4. The Flood Disaster Protection Act of 1973, as amended (42 U.S.C. § 4002 et seq.)
5. The Endangered Species Act of 1973, as amended, (16 U.S.C. § 1531 et seq.)
6. The Coastal Zone Management Act, as amended, (16 U.S.C. § 1451 et seq.)
7. The Coastal Barriers Resources Act, as amended, (16 U.S.C. § 3501 et seq.)
8. The Wild and Scenic Rivers Act, as amended, (16 U.S.C. § 1271 et seq.)
9. The Safe Drinking Water Act of 1974, as amended, (42 U.S.C. § 300f-j)

10. The Resource Conservation and Recovery Act of 1976, as amended, (42 U.S.C. § 6901 et seq.)
11. The Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) (42 U.S.C. § 9601 et seq.) and the Community Environmental Response Facilitation Act (42 U.S.C. § 9601 note)
12. Magnuson-Stevens Fishery Conservation and Management Act, as amended (16 U.S.C. §1801)
13. Marine Mammal Protection Act, as amended (16 U.S.C § 31)
14. Migratory Bird Treaty Act, as amended (16 U.S.C. §§ 703-712)
15. Responsibilities of Federal Agencies to Protect Migratory Birds, EO 13186
16. Bald and Golden Eagle Protection Act, as amended (16 U.S.C. § 668-668d)
17. Marine Protection, Research and Sanctuaries Act (33 U.S.C. §§ 1401-1445 and 16 U.S.C. §§ 1431—1445)
18. National Marine Sanctuaries Act, as amended (16 U.S.C. § 1431 et seq.)
19. Rivers and Harbors Act of 1899 (33 U.S.C § 407)
20. Environmental Justice in Minority Populations and Low Income Populations, EO 12898, as amended
21. Flood Management, EO 11988, as amended by EO 13690, and Protection of Wetland, EO11990, May 24, 177, as amended by EO 12608
22. Farmland Protection Policy Act, as amended (7 U.S.C. § 4201 et. seq.)
23. Coral Reef Protection, EO 13089
24. Invasive Species, EP 13112

V MISCELLANEOUS REQUIREMENTS AND PROVISIONS

The recipient must comply with all miscellaneous requirements and provisions described in this section and, when applicable, require its subrecipients, contractors, and subcontractors to comply. This list is not exclusive:

1. Prohibition Against Assignment by the Recipient

Notwithstanding any other provision of this Award, the recipient must not transfer, pledge, mortgage, or otherwise assign this Award, or any interest therein, or any claim arising thereunder, to any party or parties, banks, trust companies, or other financing or financial institutions without the express written approval of Treasury.

2. Disclaimer Provisions

- a. The United States expressly disclaims any and all responsibility or liability to the recipient or third persons for the actions of the recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this Award or any other losses resulting in any way from the performance of this Award or any subaward, contract, or subcontract under this Award.
- b. The acceptance of this Award by the recipient does not in any way constitute an agency relationship between the United States and the recipient.

3. **Prohibited and Criminal Activities**

- a. The Program Fraud Civil Remedies Act of 1986 (31 U.S.C. §§ 3801-3812), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the federal government for money (including money representing grants, loans or other benefits).
- b. False Statements, as amended (18 U.S.C. § 1001) provides that whoever makes or presents any materially false, fictitious, or fraudulent statements to the United States shall be subject to imprisonment of not more than five years.
- c. False, Fictitious, or Fraudulent Claims, as amended (18 U.S.C. § 287) provides that whoever makes or presents a false, fictitious, or fraudulent claim against or to the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided in 18 U.S.C. § 287.
- d. False Claims Act, as amended (31 U.S.C. 18 U.S.C. § 3729 et seq.), provides that suits under this act can be brought by the federal government, or a person on behalf of the federal government, for false claims under federal assistance programs
- e. Copeland “Anti-Kickback” Act, as amended (18 U.S.C. § 874 and 40 U.S.C. § 276c), prohibits a person or organization engaged in a federally supported project from enticing an employee working on the project from giving up a part of his compensation under an employment contract. The Copeland “Anti-Kickback” Act also applies to contractors and subcontractors pursuant to 40 U.S.C. § 3145.

4. **Political Activities**

The recipient must comply, as applicable, with provisions of the Hatch Act, as amended (5 U.S.C. §§ 1501-1508 and §§ 7321-7326) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

5. **American-Made Equipment and Products**

The recipient is hereby notified that it is encouraged, to the greatest extent practicable, to purchase American-made equipment and products with funding provided under this Award.

6. **Increasing Seat Belt Use in the United States**

Pursuant to EO 13043, the recipient should encourage its employees and contractors to enforce on-the-job seat belt policies and programs when operating company-owned, rented or personally owned vehicles.

7. **Minority Serving Institutions (MSIs) Initiative**

Pursuant to EOs 13555 and 13270, as amended, Treasury is strongly committed to broadening the participation of MSIs in its financial assistance programs. Treasury's goals include achieving full participation of MSIs in order to advance the development of human potential, strengthen the nation's capacity to provide high-quality education, and increase opportunities for MSIs to participate in and benefit from federal financial assistance programs. Treasury encourages recipients to include meaningful participation of MSIs. Institutions eligible to be considered MSIs are listed on the Department of Education website at <http://www2.ed.gov/about/offices/list/ocr/edlite-minorityinst.html>.

8. **Research Misconduct**

Treasury adopts, and applies to Awards for research, the Federal Policy on Research Misconduct (Federal Policy) issued by the EO of the President's Office of Science and Technology Policy on December 6, 2000 (65 Fed. Reg. 76260 (2000)). As provided for in the Federal Policy, research misconduct refers to the fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest errors or differences of opinion. Recipients that conduct research funded by Treasury must foster an atmosphere conducive to the responsible conduct of sponsored research by safeguarding against and resolving allegations of research misconduct. Recipients also have the primary responsibility to prevent, detect, and investigate allegations of research misconduct and, for this purpose, may rely on their internal policies and procedures, as appropriate, to do so. Award funds expended on an activity that is determined to be invalid or unreliable because of research misconduct may result in appropriate enforcement action under the Award, up to and including Award termination and possible suspension or debarment. Treasury requires that any allegation that contains sufficient information to proceed with an inquiry be submitted to Treasury, which will also notify the Treasury Office of Inspector General of such allegation. Once the recipient has investigated the allegation, it will submit its findings to Treasury. Treasury may accept the recipient's findings or proceed with its own investigation; Treasury shall inform the recipient of the Treasury's final determination.

9. **Care and Use of Live Vertebrate Animals**

Recipients must comply with the Laboratory Animal Welfare Act of 1966 (Public Law 89-544), as amended, (7 U.S.C. § 2131 et seq.) (animal acquisition, transport, care, handling, and use in projects), and implementing regulations, 9 C.F.R. Parts 1, 2, and 3; the Endangered Species Act, as amended, (16 U.S.C. § 1531 et seq.); Marine Mammal Protection Act, as amended, (16 U.S.C. § 1361 et seq.) (taking possession, transport, purchase, sale, export or import of wildlife and plants); the Nonindigenous Aquatic Nuisance Prevention and Control Act, as amended, (16 U.S.C. § 4701 et seq.) (ensure preventive measures are taken or that probable harm of using species is minimal if there is an escape or release); and all other applicable statutes pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by federal financial assistance.

10. **The Trafficking Victims Protection Act of 2000, as amended, (22 U.S.C. § 7104(g)), and the implementing regulations at 2 C.F.R. Part 175**

The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, *as defined in 2 C.F.R. §175.25(d)*, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons.

a. Provisions applicable to a recipient that is a private entity

1. You as the recipient, your employees, subrecipients under this Award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that this Award is in effect;
 - ii. Procure a commercial sex act during the period of time that this Award is in effect; or

- iii. Use forced labor in the performance of this Award or subawards under this Award.
 - 2. We as the federal awarding agency may unilaterally terminate this Award, without penalty, if you or a subrecipient that is a private entity —
 - i. Is determined to have violated a prohibition in paragraph a.1 of this Section V.10; or
 - ii. Has an employee who is determined by the agency official authorized to terminate this Award to have violated a prohibition in paragraph a.1 of this Section V.10 through conduct that is either—
 - A. Associated with performance under this Award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 31 C.F.R. Part 19.
- b. *Provision applicable to a recipient other than a private entity.* We as the federal awarding agency may unilaterally terminate this Award, without penalty, if a subrecipient that is a private entity—
 - 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this Section V.10; or
 - 2. Has an employee who is determined by the agency official authorized to terminate this Award to have violated an applicable prohibition in paragraph a.1 of this Section V.10 through conduct that is either—
 - i. Associated with performance under this Award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 C.F.R. Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 31 C.F.R. Part 19.
- c. *Provisions applicable to any recipient.*
 - 1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this Section V.10.
 - 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this Section V.10:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this Award.
 - 3. You must include the requirements of paragraph a.1 of this Section V.10 in any subaward you make to a private entity.
- d. *Definitions.* For purposes of this award term:
 - 1. “Employee” means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this Award; or

- ii. Another person engaged in the performance of the project or program under this Award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
- 2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- 3. "Private entity":
 - i. Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 C.F.R. § 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 C.F.R. § 175.25(b).
 - B. A for-profit organization
- 4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at § 103 of the TVPA, as amended (22 U.S.C. § 7102).

11. **The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. No. 109-282, 31 U.S.C. § 6101 note)**

- a. The award term at Appendix A of 2 C.F.R. Part 170 is hereby incorporated by reference.
- b. The Federal Funding Accountability and Transparency Act of 2006 (FFATA) requires information on federal awards to be made available to the public via a single, searchable website. This information is available at www.USASpending.gov. The FFATA Subaward Reporting System (FSRS) is the reporting tool federal prime awardees (*i.e.*, prime contractors and prime grants recipients) use to capture and report subaward and executive compensation data regarding their first-tier subawards to meet the FFATA reporting requirements. Prime grant awardees will report against sub-grants awarded. The subaward information entered in FSRS will then be displayed at <http://www.USASpending.gov>.
- c. Recipients of RESTORE Act funding are subject to FFATA subaward reporting requirements as outlined in the OMB guidance on FFATA issued August 27, 2010. The recipient is required to file a FFATA subaward report by the end of the month following the month in which the recipient makes any subaward greater than or equal to \$25,000. This includes any action that brings the cumulative total award to \$25,000 or more. This report must be filed electronically at <http://www.fsr.gov>.
- d. The recipient must report total compensation for each of its five most highly compensated executives for the preceding completed fiscal year, by the end of the month following the month in which this Award is made, and annually thereafter if—
 - i. The total federal funding authorized to date under this Award is \$25,000 or more; and

- ii. In the preceding fiscal year, the recipient received—
 - 1) 80 percent or more of annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to FFATA, as defined at 2 C.F.R. § 170.320 (and subawards); and
 - 2) \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts) and federal financial assistance subject to FFATA, as defined at 2 C.F.R. 170.320 (and subawards); and
- iii. The public does not have access to information about the compensation of the executives through periodic reports filed under § 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or § 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
- e. The recipient must report on the total compensation of its subrecipients' five most highly compensated executives, as required by FFATA, and must include provisions in every executed contract or agreement with affected subrecipients requiring the subrecipient to provide all information necessary for the recipient to report on subrecipient executive compensation. The recipient must report on subrecipient executive compensation by the end of the month following the month during which the recipient makes the subaward.
- f. The recipient must keep its information current in SAM (System for Award Management, which is the successor to the Central Contractor Registry, (CCR)) at least until submission of the final SF-425 or receipt of the final Award payment, whichever is later. This requires that the recipient review and update the information at least annually after the initial registration, and more frequently if required by changes in the recipient's information. SAM is the federal repository into which an entity must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the System for Award Management Internet site (currently at <https://www.sam.gov/portal/public/SAM/>).
- g. If the recipient is authorized to make subawards under this Award, the recipient must notify potential subrecipients that the recipient may not make a subaward to any entity unless that entity has provided its Data Universal Numbering System (DUNS) number to the recipient. A DUNS number is the nine-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify business entities.

12. Recipient Integrity and Performance Matters (80 FR 43301, July 22, 2015) Reporting of Matters Related to Recipient Integrity and Performance

a. *General Reporting Requirement*

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then the recipient during that period of time must maintain the accuracy of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph b. of

this award term and condition. This is a statutory requirement under § 872 of Public Law 110-417, as amended (41 U.S.C. § 2313). As required by § 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.

b. *Proceedings About Which The Recipient Must Report*

The recipient must submit the information required about each proceeding that:

- i. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government;
- ii. Reached its final disposition during the most recent five year period; and
- iii. Is one of the following:
 - 1) A criminal proceeding that resulted in a conviction, as defined in paragraph e. of this award term and condition;
 - 2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - 3) An administrative proceeding, as defined in paragraph e. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or
 - 4) Any other criminal, civil, or administrative proceeding if:
 - a) It could have led to an outcome described in paragraph b.iii. 1), 2), or 3) of this award term and condition;
 - b) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - c) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations.

c. *Reporting Procedures*

Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph b of this award term and condition. The recipient does not need to submit the information a second time under assistance awards that the recipient received if they already provided the information through SAM because they were required to do so under Federal procurement contracts that they were awarded.

d. *Reporting Frequency*

During any period of time when the recipient is subject to the requirement in paragraph 1 of this award term and condition, the recipient must report proceedings information through SAM for the most recent five year period, either to report new information about any proceeding(s) that they have not reported previously or affirm that there is new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.

e. *Definitions*

For purposes of this award term and condition:

- i. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- ii. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- iii. Total value of currently active grants, cooperative agreements, and procurement contracts includes—
 - 1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and
 - 2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.

13. **Publications and Signage**

Any publications (except scientific articles or papers appearing in scientific, technical, or professional journals) or signage produced with funds from this Award, or informing the public about the activities funded in whole or in part by this Award, must clearly display the following language: “This project was paid for [in part] with federal funding from the Department of the Treasury under the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act).” Publications (except scientific articles or papers appearing in scientific, technical, or professional journals) produced with funds from this Award must display the following additional language: “The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the Department of the Treasury.”

14. **Homeland Security Presidential Directive 12**

If the performance of this Award requires the recipient’s personnel to have routine access to Treasury-controlled facilities and/or Treasury-controlled information systems (for purpose of this term “routine access” is defined as more than 180 days), such personnel must undergo the personal identity verification credential process. In the case of foreign nationals, Treasury will conduct a check with U.S. Citizenship and Immigration Services’ (USCIS) Verification Division, a component of the Department of Homeland Security (DHS), to ensure the individual is in a lawful immigration status and that he or she is eligible for employment within the United States. Any items or services delivered under this Award must comply with Treasury personal identity verification procedures that implement Homeland Security Presidential Directive 12, “Policy for a Common Identification Standard for Federal Employees and Contractors”, FIPS PUB 201, as amended, and OMB Memorandum M-05-24, as amended. The recipient must ensure that its subrecipients and contractors (at all tiers) performing work under this Award comply with the requirements contained in this Section V.14. Treasury may delay final payment under this Award if the subrecipient or contractor fails to comply with the requirements listed in the section below. The recipient must insert the following term in all subawards

and contracts when the subrecipient or contractor is required to have routine physical access to a Treasury-controlled facility or routine access to a Treasury-controlled information system:

- a. The subrecipient or contractor must comply with Treasury personal identity verification procedures identified in the subaward or contract that implement Homeland Security Presidential Directive 12 (HSPD-12), Office of Management and Budget (OMB) Guidance M-05-24, as amended, and Federal Information Processing Standards Publication, FIPS PUB 140-2, as amended, for all employees under this subaward or contract who require routine physical access to a federally controlled facility or routine access to a federally controlled information system.
- b. The subrecipient or contractor must account for all forms of government-provided identification issued to the subrecipient or contractor employees in connection with performance under this subaward or contract. The subrecipient or contractor must return such identification to the issuing agency at the earliest of any of the following, unless otherwise determined by Treasury:
 - i. When no longer needed for subaward or contract performance;
 - ii. Upon completion of the subrecipient or contractor employee's employment; or
 - iii. Upon subaward or contract completion or termination.

15. Foreign Travel

- a. The recipient and subrecipient may not use funds from this Award for travel outside of the United States unless Treasury provides prior written approval.
- b. The recipient and subrecipient must comply with the provisions of the Fly America Act, as amended, (49 U.S.C. § 40118). The implementing regulations of the Fly America Act are found at 41 C.F.R. §§ 301-10.131–301-10.143.
- c. The Fly America Act requires that federal travelers and others performing U.S. Government-financed air travel must use U.S. flag air carriers, to the extent that service by such carriers is available. Foreign air carriers may be used only in specific instances, such as when a U.S. flag air carrier is unavailable, or use of U.S. flag air carrier service will not accomplish the agency's mission.
- d. One exception to the requirement to fly U.S. flag carriers is transportation provided under a bilateral or multilateral air transport agreement, to which the United States Government and the government of a foreign country are parties, and which the Department of Transportation has determined meets the requirements of the Fly America Act pursuant to 49 U.S.C. § 40118(b). The United States Government has entered into bilateral/multilateral "Open Skies Agreements" (U.S. Government Procured Transportation) that allow federal funded transportation services for travel and cargo movements to use foreign air carriers under certain circumstances. There are multiple "Open Skies Agreements" currently in effect. For more information about the current bilateral and multilateral agreements, visit the GSA website <http://www.gsa.gov/portal/content/103191>. Information on the Open Skies agreements (U.S. Government Procured Transportation) and other specific country agreements may be accessed via the Department of State's website <http://www.state.gov/e/eeb/tra/>.
- e. If a foreign air carrier is anticipated to be used for any portion of travel funded under this Award, the recipient must receive prior approval from the Treasury. When requesting such approval, the recipient must provide a justification in

accordance with guidance provided by 41 C.F.R. § 301–10.142, which requires the recipient to provide Treasury with the following: name; dates of travel; origin and destination of travel; detailed itinerary of travel; name of the air carrier and flight number for each leg of the trip; and a statement explaining why the recipient meets one of the exceptions to the regulations. If the use of a foreign air carrier is pursuant to a bilateral agreement, the recipient must provide Treasury with a copy of the agreement or a citation to the official agreement available on the GSA website. Treasury shall make the final determination and notify the recipient in writing. Failure to adhere to the provisions of the Fly America Act will result in the recipient not being reimbursed for any transportation costs for which the recipient improperly used a foreign air carrier.

16. **Export Control**

- a. This clause applies to the extent that this Award involves access to export-controlled items.
- b. In performing this financial assistance Award, the recipient may gain access to items subject to export control (export-controlled items) under the Export Administration Regulations (EAR) issued by the Department of Commerce (DOC). The recipient is responsible for compliance with all applicable laws and regulations regarding export-controlled items, including the EAR's deemed exports and re-exports provisions. The recipient shall establish and maintain effective export compliance procedures throughout performance of the Award. At a minimum, these export compliance procedures must include adequate controls of physical, verbal, visual, and electronic access to export-controlled items, including by foreign nationals.
- c. Definitions:
 - i. Export-controlled items. Items (commodities, software, or technology), that are subject to the EAR (15 C.F.R. §§ 730–774), implemented by the DOC's Bureau of Industry and Security. These are generally known as "dual-use" items, items with a military and commercial application.
 - ii. Deemed Export/Re-export. The EAR defines a deemed export as a release of export-controlled items (specifically, technology or source code) to a foreign national in the U.S. Such release is "deemed" to be an export to the home country of the foreign national. 15 C.F.R. § 734.2(b)(2)(ii). A release may take the form of visual inspection, oral exchange of information, or the application abroad of knowledge or technical experience acquired in the United States. If such a release occurs abroad, it is considered a deemed re-export to the foreign national's home country. Licenses from DOC may be required for deemed exports or re-exports.
- d. The recipient shall control access to all export-controlled items that it possesses or that comes into its possession in performance of this Award, to ensure that access to, or release of, such items are restricted, or licensed, as required by applicable federal statutes, EOs, and/or regulations, including the EAR.
- e. To the extent the recipient wishes to provide foreign nationals with access to export-controlled items, the recipient shall be responsible for obtaining any necessary licenses, including licenses required under the EAR for deemed exports or deemed re-exports.
- f. Nothing in the terms of this Award is intended to change, supersede, or waive the requirements of applicable federal statutes, EOs, and/or regulations.

- g. Compliance with this Section V.15 will not satisfy any legal obligations the recipient may have regarding items that may be subject to export controls administered by other agencies such as the Department of State, which has jurisdiction over exports of munitions items subject to the International Traffic in Arms Regulations (ITAR) (22 C.F.R. §§ 120–130), including releases of such items to foreign nationals.
- h. The recipient shall include this clause, including this paragraph (i), in all lower tier transactions (subawards, contracts, and subcontracts) under this Award that may involve access to export-controlled items.

SUPPLEMENTAL STANDARD TERMS AND CONDITIONS - AWARDS UNDER THE DIRECT COMPONENT FOR ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY

W ACQUISITION AND IMPROVEMENTS TO REAL PROPERTY

1. Compliance with State, Local and Federal Requirements

The project must comply with all applicable federal laws and regulations, and with all requirements for state, and local laws and ordinances to the extent that such requirements do not conflict with federal laws. The recipient is also responsible for supervising the design, bidding, construction, and operation of construction projects in compliance with all award requirements. The recipient must comply with, and must require all contractors and subcontractors, to comply with all federal, state, and local laws and regulations. The recipient must ensure compliance with special award conditions which may contain conditions that must be satisfied prior to advertisement of bids, start of construction, or other critical event.

2. Title

Prior to receiving Treasury authorization to start construction, the recipient must furnish evidence, satisfactory to Treasury, that the recipient has acquired good and merchantable title free of all mortgages, foreclosable liens, or encumbrances, to all land, rights of way and easements necessary for the completion of the project.

3. Permitting Requirements

Prior to receiving Treasury authorization to start construction, the recipient must furnish evidence, satisfactory to Treasury, that recipient has received all federal, state and local permits necessary for the completion of the project.

4. Federal Interest in Real Property

“Federal interest” refers to real property that is acquired or improved, in whole or in part, with RESTORE Act Direct Component funds, which must be held in trust by the Recipient for the benefit of the project for the Estimated Useful Life of the project, during which period Treasury retains an undivided equitable reversionary interest in the real property (i.e., the “federal interest”).

5. Estimated Useful Life

Property that is acquired or improved, in whole or in part, with federal assistance is held in trust by the recipient for the purpose(s) for which the award was made for the Estimated Useful Life. Estimated Useful Life means the period of years that constitutes the expected useful lifespan of a project, as determined by Treasury, during which Treasury

anticipates obtaining the benefits of the project pursuant to project purposes authorized by the RESTORE Act. For this award the recipient has proposed an Estimated Useful Life from the date of construction completion. Treasury's issuance of the grant agreement represents its concurrence with the recipient's proposed Estimated Useful Life.

The recipient's obligation to the federal government continues for the Estimated Useful Life of the project, as determined by Treasury, during which Treasury retains an undivided equitable reversionary interest (the "federal interest") in the property improved, in whole or in part, with the Treasury investment.

If Treasury determines that the recipient has failed or fails to meet its obligations under the terms and conditions of this award, Treasury may exercise its rights or remedies with respect to its federal interest in the project. However, Treasury's forbearance in exercising any right or remedy in connection with the federal interest does not constitute a waiver thereof.

6. Commencement of Construction

The recipient should not commence construction prior to the date of the Award. The recipient must make a written request to Treasury for permission to commence construction after the construction contractor has been selected and at least 30 days prior to construction. For project costs to be eligible for Treasury reimbursement, Treasury must determine that the award of all contracts with associated costs are in compliance with the scope of the project and all terms and conditions of this award, and all necessary permits have been obtained, and the federal interest is secure. No construction funds may be drawn from ASAP without Treasury's written permission. If the recipient commences construction prior to Treasury's determination, the recipient proceeds at its own risk.

Treasury will only review contract amendments or change orders which change the scope of a contract.

7. Use of Real Property

Encumbering real property on which there is a federal interest without prior Treasury approval is an unauthorized use of the property and of project trust funds under this award. See 2 C.F.R. § 200.316. Real property or interest in real property may not be used for purposes other than the authorized purpose of the award without the express, prior written approval of Treasury, for as long as the federal government retains an interest in the property. The property must not be sold, conveyed, transferred, assigned, mortgaged, or in any other manner encumbered except as expressly authorized in writing by Treasury. The recipient must maintain facilities constructed or renovated with grant funds in a manner consistent with the purposes for which the funds were provided for the duration of the Estimated Useful Life.

In the event that the real property or interest in real property is no longer needed for the originally authorized purpose, the recipient must obtain disposition instructions from Treasury consistent with 2 C.F.R. § 200.311.

8. Recording the Federal Interest in the Real Property

To document the federal interest, the recipient agrees to prepare and properly record a "Covenant of Purpose, Use and Ownership" (Covenant), or, where a subrecipient is the title owner, to ensure that the subrecipient prepares and properly records a "Covenant of Purpose, Use and Ownership" (Covenant) on the property acquired or improved with federal assistance funds. See 2 C.F.R. § 200.316. This Covenant does not establish a

traditional mortgage lien in that it does not establish a traditional creditor relationship requiring the periodic repayment of principal and interest, or the ability of Treasury to foreclose on the real property at any time. Rather, pursuant to the Covenant, the recipient and/or the subrecipient, as applicable, acknowledges that it holds title to the real property in trust for the public purposes of the financial assistance award and agrees, among other commitments, that it will repay the federal interest if it disposes of or alienates an interest in the real property, or uses it in a manner inconsistent with the public purposes of the award, during the Estimated Useful Life of the property.

- a. The Covenant must be satisfactory in form and substance to Treasury, must include the name and current address of the recipient and subrecipient (if applicable), the grant award number, amount and date of award and subrecipient agreement (if applicable), date of the purchase of property (if applicable), and the Estimated Useful Life of the project. It must also include statements that the real property will only be used for purposes consistent with the RESTORE Act; that it will not be mortgaged or used as collateral, sold or otherwise transferred to another party, without the written permission of Treasury; and that the federal interest cannot be subordinated, diminished, nullified or released through encumbrance of the property, transfer of the property to another party or any other action the recipient/subrecipient takes without the written permission of Treasury.
- b. The recipient agrees to provide to Treasury an attorney's title opinion as to the title owner of the property, and to properly record, in accordance with applicable law, the Covenant in the real property records in the jurisdiction in which the real property is located in order to provide public record notice to interested parties that there are certain restrictions on the use and disposition of the real property during its Estimated Useful Life, and that Treasury retains an undivided equitable reversionary interest in the real property to the extent of its participation in the project for which funds have been awarded.
- c. Treasury requires an opinion of counsel for the recipient to substantiate that the document has been properly recorded.
- d. Failure to properly and timely file and maintain documentation of the federal interest may result in appropriate enforcement action, including, but not limited to, disallowance of the cost of the acquisition or improvement by Treasury.
- e. The Federal Interest must be perfected and recorded/filed in accordance with state and/or local law concurrent with the acquisition of the real property, where an award includes real property acquisition, and for construction of buildings and projects to improve the real property, no later than the date construction and/or improvement work commences.
- f. When the Estimated Useful Life of the project is ended, the federal interest is extinguished and the federal government has no further interest in the real property.

Exclusions from the requirement that the federal interest on real property be recorded will be at Treasury's sole discretion. The types of projects for which Treasury may agree to this exclusion are those projects for which federal funds will not be used to fund the construction of built structures, improvements to state parks, water and sewer lateral line projects affecting private properties, and shoreline stabilization projects.

9. **Administration, Operation and Maintenance**

The recipient agrees to administer, operate, and maintain the project for its Estimated

Useful Life in the same manner in which it operates and maintains similar facilities and equipment owned by it, and in accordance with state and local standards, laws and regulations. The recipient must not be in breach of its obligations under this award except to the extent the failure to fulfill any obligation is due to an Uncontrollable Force.

“Uncontrollable Force” means an event beyond the reasonable control of, and without the fault or negligence of, the party claiming the Uncontrollable Force that prevents the recipient from honoring its contractual obligations under this Agreement and which, by exercise of the recipient’s reasonable care, diligence and foresight, such recipient was unable to avoid. Uncontrollable Forces include, but are not limited to:

- a. Strikes or work stoppage;
- b. Floods, earthquakes, or other natural disasters; terrorist acts; and
- c. Final orders or injunctions issued by a court or regulatory body having competent subject matter jurisdiction which the recipient, claiming the Uncontrollable Force, after diligent efforts, was unable to have stayed, suspended, or set aside pending review by a court of competent subject matter jurisdiction. Neither the unavailability of funds or financing, nor conditions of national or local economies or markets must be considered an Uncontrollable Force.

10. **Reporting Requirement**

The recipient must complete and submit to Treasury a report on the status of the real property or interest in real property in which the federal government retains an interest, using a *SF-429 Real Property Status Report* form annually for the first three years after real property acquisition or completion of construction, and thereafter every five years until the end of the Estimated Useful Life or time of disposition, whichever is less. All reports must be for the period ending December 31, or any portion thereof, beginning with the year of completion of construction or real property acquisition, and are due no later than 30 days following the end of the reporting period.

11. **Insurance**

The recipient must, at a minimum, provide the equivalent insurance coverage for real property improved with federal funds as provided to property owned by the recipient state, county or parish, in compliance with 2 C.F.R. § 200.310.

12. **Bonding**

For construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold, the recipient or pass-through entity may request in writing that Treasury accept its bonding policy and requirements. If Treasury determines that the federal interest in the project is adequately protected, the recipient or pass-through entity need not comply with the following three bonding requirements. For all other recipients and pass-through entities, the minimum requirements for construction or facility improvement contracts or subcontracts exceeding the simplified acquisition threshold are as follows:

- a. A bid guarantee from each bidder equivalent to five percent of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual instruments as may be required within the time specified.

- b. A performance bond on the part of the contractor for 100 percent of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond on the part of the contractor for 100 percent of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

13. **Floodplain Requirements**

In accordance with 44 C.F.R. Part 9, prior to Treasury’s authorization to commence construction in a designated 100-year floodplain, the recipient must provide evidence satisfactory to Treasury of a Floodplain Notice, that the 30-day period established for receipt of comments from the public in response to public notice published regarding the potential for adverse project impact on the values and functions of a designated 100-year floodplain has expired and that identified concerns (if any) have been addressed to Treasury’s satisfaction. This notice may be satisfied through a federal/state environmental assessment process used as the vehicle for public notice, involvement, and explanation per 44 C.F.R. § 9.8(2).

In addition, prior to Treasury’s authorization to commence construction of structures and/or buildings within a designated 100-year floodplain, the recipient must provide evidence satisfactory to Treasury of the following:

- a. Floodplain Protection: That the project engineer/architect has certified that the project facility will be adequately protected from damage by floods in this area of apparent potential flood hazard. The evidence must include adequate justification for the Base Flood Elevation designation for the financial assistance award site.
- b. Floodplain Insurance: That the community is participating in the National Flood Insurance Program, and that as required, the recipient will purchase flood insurance.

14. **Goals for Women and Minorities in Construction**

Department of Labor regulations set forth in 41 C.F.R. § 60-4 establish goals and timetables for participation of minorities and women in the construction industry. These regulations apply to all federally assisted construction contracts in excess of \$10,000. The recipient must comply with these regulations and must obtain compliance with 41 C.F.R. § 60-4 from contractors and subcontractors employed in the completion of the project by including such notices, clauses and provisions in the Solicitations for Offers or Bids as required by 41 C.F.R. § 60-4.

- a. The goal for participation of women in each trade area must be as follows:
From April 1, 1981, until further notice: 6.9 percent;
- b. All changes to this goal, as published in the Federal Register in accordance with the Office of Federal Contract Compliance Programs regulations at 41 C.F.R. § 60-4.6, or any successor regulations, must hereafter be incorporated by reference into these Special Award Conditions; and,
- c. Goals for minority participation must be as prescribed by Appendix B-80, Federal Register, Volume 45, No. 194, October 3, 1980, or subsequent publications. The recipient must include the “Standard Federal Equal

Employment Opportunity Construction Contract Specifications” (or cause them to be included, if appropriate) in all federally assisted contracts and subcontracts. The goals and timetables for minority and female participation may not be less than those published pursuant to 41 C.F.R. § 60-4.6.

15. **Davis Bacon Act, as amended (40 U.S.C. §§ 3141–3148)**

Davis-Bacon Act-related provisions are applicable for a construction project if it is for the construction of a project that can be defined as a “treatment works” in 33 U.S.C § 1292; or for a construction project regardless of whether it is a “treatment works” project if it is receiving federal assistance from another federal agency operating under an authority that requires the enforcement of Davis-Bacon Act-related provisions. When required, all prime construction contracts in excess of \$2,000 awarded by the non-Federal entity must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. §§ 3141–3144, and §§ 3146–3148) as supplemented by Department of Labor regulations (29 C.F.R. Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition contracts must be required to pay wages not less than once a week.

The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to Treasury. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. Part 3, “Contracts and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation or which he or she is otherwise entitled. The non-federal entity must report all suspected or reported violations to Treasury.

16. **Equal Opportunity Clause**

Pursuant to 41 C.F.R. § 60-1.4(b), Federally assisted construction contracts, for construction which is not exempt from the requirements of the equal opportunity clause, 41 C.F.R. Part 60-1—Obligations of Contractors and Subcontractors, [t]he [recipient] hereby agrees that it will incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 C.F.R. Chapter 60, which is paid for in whole or in part with funds obtained from the federal government or borrowed on the credit of the federal government pursuant to a grant, contract, loan, insurance, or guarantee, or undertaken pursuant to any federal program involving such grant, contract, loan, insurance, or guarantee, the following equal opportunity clause:

41 C.F.R. § 60-1.4 Equal opportunity clause.

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following:

Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

(3) The contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

(4) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the said labor union or workers' representatives of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(5) The contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(6) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(7) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(8) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The

contractor will take such action with respect to any subcontract or purchase order as the administering agency may direct as a means of enforcing such provisions, including sanctions for noncompliance:

Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the administering agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

The applicant further agrees that it will be bound by the above equal opportunity clause with respect to its own employment practices when it participates in federally assisted construction work: Provided, That if the applicant so participating is a State or local government, the above equal opportunity clause is not applicable to any agency, instrumentality or subdivision of such government which does not participate in work on or under the contract.

The applicant agrees that it will assist and cooperate actively with the administering agency and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the administering agency and the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the administering agency in the discharge of the agency's primary responsibility for securing compliance.

The applicant further agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the administering agency or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order. In addition, the applicant agrees that if it fails or refuses to comply with these undertakings, the administering agency may take any or all of the following actions: Cancel, terminate, or suspend in whole or in part this grant (contract, loan, insurance, guarantee); refrain from extending any further assistance to the applicant under the program with respect to which the failure or refund occurred until satisfactory assurance of future compliance has been received from such applicant; and refer the case to the Department of Justice for appropriate legal proceedings.

17. Revised ADA Standards for Accessible Design for Construction Awards

The U.S. Department of Justice has issued revised regulations implementing Title II of the ADA (28 C.F.R. Part 35) and Title III of the ADA (28 C.F.R. Part 36). The revised regulations adopted new enforceable accessibility standards called the "2010 ADA Standards for Accessible Design" (2010 Standards). The 2010 Standards are an acceptable alternative to the Uniform Federal Accessibility Standards (UFAS). Treasury deems compliance with the 2010 Standards to be an acceptable means of complying with the Section 504 accessibility requirements for new construction and alteration projects. All new construction and alteration projects must comply with the 2010 Standards.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022
TYPE OF AGENDA ITEM: Announcement
AGENDA OUTLINE NUMBER: 4.C.

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Announcements

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022

TYPE OF AGENDA ITEM: Public Hearing

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: May 3, 2022

SUBJECT: Second reading of Ordinance 22-06-LC, which changes the list of permitted uses in the Industrial zoning district to allow for one custodian or nightwatchman dwelling per industrial site and establishes maximum square footage for the dwelling unit.

I. BACKGROUND: Comprehensive Plan Objective 1-2.5 establishes the purpose and intent of the Industrial zone within the City of Destin. The supporting Policy 1-2.5-1 does not consider residential development within the zone. However, the policy clearly states this *does not* prohibit a dwelling for a night watch or custodian for security purposes. Currently, a night watch or custodian dwelling is not a permitted or conditional use in the Industrial Zone in the Land Development Code.

II. DISCUSSION: The proposed Ordinance 22-06-LC will complete the intent of the Comprehensive Plan Policy 1-2.5.1 by adding “Custodian or night-watchman dwelling” as a permitted use in the Industrial Zone. The Ordinance provides: Only one custodian or night watchman residence is permitted per industrial site with a maximum size of 1,200 square feet. The custodian or night watchman residing on site must be an owner, employee or independent contractor of the property owner or property manager.

A. Link to Strategic Goals / Objectives: #5. Economic development and revitalization

B. Effect on Budget (EOB): Not applicable

C. Level of Service (LOS): Not applicable

D. Legislative Sponsor (Land Use Items): Not applicable

III. CONCLUSION: By approving Ordinance 22-06-LC the City will close a gap in

compliance with the Comprehensive Plan. It will also allow Industrial Property owners the ability to include one dwelling for a custodian or night watch, adding a level of security to their property, further protecting their investment(s). The LPA recommended approval on April 28, 2022 at their regular scheduled meeting.

IV. RECOMMENDED MOTION: I move City Council adopt Ordinance 22-06-LC on Second Reading.

Attachments:

1. Night Watchman Ordinance

ORDINANCE NO. 22-06-LC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA CHANGING THE LIST OF PERMITTED USES IN THE INDUSTRIAL ZONING DISTRICT TO ALLOW ONE CUSTODIAN OR NIGHT WATCHMAN DWELLING PER INDUSTRIAL SITE; AMENDING TABLE 7-2 “TABLE OF ALLOWABLE USES”; ESTABLISHING A MAXIMUM SQUARE FOOTAGE FOR CUSTODIAN OR NIGHT WATCHMAN DWELLING IN THE INDUSTRIAL ZONING DISTRICT; 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.

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, Policy 1-2.5.1 of the Comprehensive Plan provides:

Policy 1-2.5.1: Industrial (IN). The Industrial (IN) designation is designed to accommodate arrangements of industrial and limited commercial development types, with the intent to promote natural resource enhancement and to promote open spaces around buildings. Density is not provided within this FLUM designation, and therefore, residential uses are prohibited, including short-term residential uses. This provision shall not prohibit residences for night watchmen or custodians whose presence on industrial sites is necessary for security purposes. . . ; and

WHEREAS, the City Council in providing for the health, safety and welfare of its citizens finds that the City should allow one custodian or night watchman residence on sites located in the Industrial zoning district in order to obtain consistency with the City’s Comprehensive Plan; 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 Land Development Code that have been skipped and remain unchanged.

SECTION 3. AMENDMENT OF LAND DEVELOPMENT CODE TABLE 7-2:

Table 7-2: Table of Allowable Uses contains all of the allowed uses within the City and in what zoning districts those uses are allowed. Uses not listed as permitted, conditional, or accessory uses in Table 7-2 are prohibited uses. The North American Industry Classification System (NAICS), 2002 Edition shall be used to provide definitions of each use or use groupings listed in Table 7-2. All sub-uses listed under a use in the NAICS, which use is permitted in the zoning designation in question, shall be considered as a permitted use.

	TABLE 7-2: TABLE OF ALLOWABLE USES																														
	B E	L D R- V	L D R- HI	L D R- H	M D R- V	M D R- HI	H D R	C B N	C L	C G	C T S	R O I- G D	R O I- T D	R O I- V R	R O I- C B R	C B R	T C M U	C M U	C M U	C M U - V	S H M U	N H M U	G R M U	H I M U	B R M U	I N	A S T	I N	R E C	C O N	
Custodian or night- watchman dwelling											P																P (21)				
	Footnotes																														
	P = Permitted Use, C = Conditional Use, and A = Accessory Use																														
	1 Guest houses are permitted only if the owner of the subject property occupies the primary dwelling as his/her main residence. However, guest houses shall not be rented out																														

	separately from the main residence and (refer to section 7.12.04.M).
	² May accommodate shopping centers with grocery stores, drug store/pharmacy, specialty shops, and similar tenants with no single business entity having more than 60,000 sq. ft.
	³ Is allowed but must be integrated in a planned unit development designed to support the surrounding residential neighborhoods.
	⁴ Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the Crystal Beach resort area.
	⁵ Only allowed on properties that have direct or secondary access to Harbor Boulevard.
	⁶ Neighborhood retail commercial goods and services shall not exceed 5,500 square feet and shall be designed primarily to serve the needs of the adjacent "Old Destin" area.
	⁷ Must meet minimum distance separation requirements, see section 7.16.00 of the Land Development Code.
	⁸ Must meet minimum distance separation requirements, refer to the definition of the use in question in article 3 of the Land Development Code.
	⁹ Office space associated with this use shall not exceed 25 percent of the total square footage of the building.
	¹⁰ Zoos are only allowed in the Industrial zoning district.
	¹¹ Passive recreation includes the following as accessory uses: beach accessways, such as dune walkovers, parking lots, docks, and restroom facilities.
	¹² Commercial transient living accommodations.
	¹³ Used merchandise stores are restricted to only those that are classified as a nonprofit business.
	¹⁴ Can only provide said services free of charge, refer to section 7.09.02B(11) for further information.
	¹⁵ Telecommunication towers are an allowable use in this zoning district subject to a hierarchy of eligibility per Section 7.19.04.A.

	¹⁶ Refer to Section 7.09.02(B)12 for further information.
	¹⁷ Reserved.
	¹⁸ Land Use 7132 Gambling Industries and 72112 Casino Hotels shall be prohibited in all districts.
	¹⁹ No sexually oriented business shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way of Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Sexually Oriented Business is proposed to be located.
	²⁰ No Medical Marijuana Dispensary shall be located on any Industrial (IN) zoned parcel within the Town Center CRA with a boundary within 330' south of the southern right-of-way boundary of Airport Road or within 330' east of the eastern right-of-way boundary of Main Street. The measurement of the minimum separation distance shall be a line perpendicular to the right-of-way or Airport Road or Main Street, as the case may be, to the nearest point of the property line of the parcel on which the Medical Marijuana Dispensary is proposed to be located. Cultivating or processing Medical Marijuana shall be prohibited within the City.
	<u>²¹ Only one custodian or night watchman residence is permitted per industrial site with a maximum size of 1,200 square feet. The custodian or night watchman residing on site must be an owner, employee or independent contractor of the property owner or property manager.</u>

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. 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 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 Kopp, City Land Use Attorney

First Reading: _____
Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: May 16, 2022**TYPE OF AGENDA ITEM:** Public Hearing**AGENDA OUTLINE NUMBER:** 5.B.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney**DATE:** May 11, 2022**SUBJECT:** Second reading of Ordinance 22-08-CN, which provides for extension of Ordinance 21-23-CN (Temporary Moratorium on Livery Vessel Permits), extending the temporary moratorium until December 31, 2022, and directing staff to develop recommendations for regulation of livery vessels

I. BACKGROUND: On February 21, 2017, the City Council passed an ordinance establishing a process for the permitting of livery vessels, as subsequently amended on March 20, 2017. At that time, the City Council heard concerns that (1) overcrowding in the Destin Harbor is disproportionately affected by the proliferation of livery vessels, which contribute to a high number of inexperienced and ineffective livery vessel operators, thereby increasing the danger to the public health, safety and welfare; and (2) the proliferation of livery vessel rentals contributes to the deterioration of water quality in and around Destin.

On April 15, 2019, the City Council passed Ordinance 19-08-CN and commenced a temporary moratorium on livery vessel permitting in order to study the impacts of livery vessel businesses on the City waterways, particularly, the Destin Harbor. Ordinance 19-08-CN was set to expire on November 1, 2019, but was subsequently extended by the City Council for the purpose of enabling studies of the Harbor waters.

On September 16, 2019, the City Council passed Resolution 19-21, authorizing an agreement with the Army Corps of Engineers for assistance with funding and contracting service for a Harbor Capacity Study. Additionally, the City Council directed a 12-month extension of the existing moratorium on livery vessel permitting, providing for a new extension date of November 1, 2020. The Army Corps experienced unanticipated delays in performing the work for the City due to the COVID-19 pandemic. On November 16, 2020, the City Council passed Ordinance 20-33-CN, extending the temporary moratorium on livery vessel permits until November 1, 2021. Then on November 15, 2021, the City

Council passed Ordinance 21-23-CN which extended the Livery Moratorium another six-months, into calendar year 2022.

II. DISCUSSION: At this time, staff is recommending a six-month extension of the moratorium because it anticipates that it will receive at least some results of the ongoing Harbor Capacity Study from the Army Corps of Engineers by that time. Staff is further advising the City Council that in six months, the Council may need to consider an additional extension if additional information received from the Army Corps of Engineers is required. Staff anticipates that information obtained via the Harbor Capacity Study will flow in to the City throughout the next 6 to 12 months and is providing the six-month extension recommendation to Council to allow the City Council to continue the moratorium for as short a time frame as possible as information comes in to the City.

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**
- D. Legislative Sponsor (Land Use Items):**

III. CONCLUSION: Staff recommends approval of Ordinance 22-08-CN on first reading.

IV. RECOMMENDED MOTION: I move to adopt Ordinance 22-08-CN on second reading.

Attachments:

1. Ordinance 22-08-CN - Livery Vessel Moratorium Extension

ORDINANCE 22-08-CN

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR EXTENSION OF ORDINANCE 21-23-CN (TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS); EXTENDING THE TEMPORARY MORATORIUM UNTIL DECEMBER 31, 2022; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Destin City Council approved ordinance number 17-02-CC on Second Reading at its regular meeting on February 21, 2017, creating Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the City of Destin City Council adopted ordinance number 17-07-CC on Second Reading at its regular meeting on March 20, 2017, which amended Code of Ordinances Article VIII, Permitting of Livery Vessels; and

WHEREAS, the waterways adjacent to the landward municipal limits of the City of Destin, particularly Destin Harbor, are severely overcrowded resulting in a dangerous congestion of Vessels; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the above-described congestion by renting livery vessels to an abnormally high number of inexperienced and ineffective Livery Vessel operators, which severely increases the danger to the public's health, safety, and welfare; and

WHEREAS, Livery Vessel rental businesses significantly contribute to the deterioration of water quality in the waterways of the City of Destin and the waterways immediately adjacent to the City of Destin; and

WHEREAS, the City of Destin City Council has determined that the above-recited facts have resulted in significant danger to the health, safety, and welfare of the public; and

WHEREAS, the City Council has directed City staff to procure a qualified expert capable of performing a study and producing a report quantifying the uses, congestion, overcrowding, and resulting water quality of Destin Harbor and other waterways adjacent to the City of Destin; and

WHEREAS, on September 16, 2019, the City Council passed Resolution 19-21,

authorizing an agreement with the Army Corps of Engineers for assistance with funding and contracting service for a Harbor Carrying Capacity Study and directing a 12 month extension of Ordinance 19-08-CN (the existing temporary moratorium on livery vessel permits); and

WHEREAS, on November 16, 2020, the City Council passed Ordinance 20-33-CN, which extended the existing temporary moratorium on livery vessel permits until November 1, 2021; and

WHEREAS, on November 15, 2021, the City Council passed Ordinance 21-23-CN, which extended the existing temporary moratorium on livery vessel permits until May 16, 2022; and

WHEREAS, the City Council anticipates that it will receive information derived from the Harbor Carrying Capacity Study within 6 months; and

WHEREAS, the City Council therefore desires to extend the existing moratorium by an additional six months, with the understanding that it will re-evaluate whether the moratorium requires an additional extension prior to expiration of the moratorium; and

WHEREAS, the City of Destin currently lacks adequate regulations to reduce, mitigate, or eliminate the adverse effects of a proliferation of Livery Vessels in the Destin Harbor and other waterways adjacent to the City of Destin.

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

*NOTE: Language in Sections 2 through 16 of this ordinance that is ~~struckthrough~~ is language proposed to be deleted, underlined language is language proposed to be added, language that is not ~~struckthrough~~ or underlined is not to be changed, and * * * represents sections of the Code of Ordinances that have been skipped and remain unchanged.*

SECTION 1. FINDINGS. The above stated findings are hereby adopted.

SECTION 2. PURPOSE. Despite the City of Destin's reasonable efforts to control the number of Livery Vessels in the waterways adjacent to the municipal limits of the City of Destin through a permitting structure described in ordinance number 17-07-CC, an inordinately high number of Livery Vessels originating from the City of Destin remain in these adjacent waterways and pose a heightened risk to the public's health, safety, and welfare when compared to vessels that are not Livery Vessels. Without further regulation preventing the increased proliferation of Livery Vessels, the risk to the public's health, safety, and welfare will continue to increase. The moratorium described herein is meant to ensure that the risk to the public's health, safety, and welfare is not further exacerbated by the increased proliferation of Livery Vessels.

SECTION 3. DEFINITIONS. For the purpose of this ordinance, "substantial hardship" means a demonstrable, direct, financial detriment in excess of \$10,000.00 suffered by a Vendor as a result of capital investments purchased in reliance on the terms of ordinance number 17-07-CC. All other terms used herein shall have the same meanings as described in 13-141, City of Destin Code of Ordinances.

SECTION 4. TEMPORARY MORATORIUM.

- (a) There is hereby enacted a Temporary Moratorium on the permitting and operation of all Livery Vessels originating from within the municipal limits of the City of Destin and adjacent waterways. A Vendor shall not be issued a Permit unless the Vendor provides proof that the number of Livery Vessels for which the Vendor seeks permit(s) is equal to or less than the number of permits that the City of Destin issued to the Vendor in the previous year ending December 31, 2018 except as provided herein.
- (b) The City of Destin shall not issue any Permit or any other document which would have the effect of permitting or otherwise authorizing the operation of any Livery Vessels in excess of the number authorized by Section 4(a), of this Ordinance, unless either (1) the Vendor demonstrates a Substantial Hardship, as the term is defined herein, or (2) an agreement between the City of Destin and the Vendor exists, that has been authorized by the City Council.

SECTION 5. DIRECTION TO STAFF. City staff is directed to evaluate and develop such recommendations, as staff may deem appropriate, for adoption of appropriate regulations that consider, among other things, aesthetics, socioeconomic impact, quality of life for the public, tourism, and community character issues including population concentration, availability of open space, habitat diversity, and the diversity and health of existing species within the waterways adjacent to the City of Destin.

SECTION 6. EXPIRATION OF MORATORIUM. Unless extended by amendment of this Ordinance, this Temporary Moratorium shall expire on December 31, 2022. ~~May 16, 2022.~~

SECTION 7. SEVERABILITY. If any section, phrase, 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 8. EFFECTIVE DATE. This ordinance shall become effective upon its adoption by the City Council and signature by the Mayor.

(Signatures Follow on Next Page)

ADOPTED THIS 16th DAY OF MAY, 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.

Kimberly Romano Kopp
City Land Use Attorney

Rey Bailey, City Clerk

First Name	Dorothy
Last Name	Robinson
Home Address	12 Weekewachee Circle
City	Destin
State	FL
Zip	32541
Phone	8502171542
Email	dorothyarob@cox.net
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:	I have been a Destin resident since 2003 and have participated in the Community Garden, Banner Project and the Veteran's Race. I have a Bachelors degree in Sociology from the University of Michigan-Flint and a Master's in. Organizational Management from the University of Phoenix. I also was the Executive Director of a non-profit in Michigan for many years. I worked on many committees and coalitions in the Flint area.
How long have you lived in Destin?	18years
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.	<i>Field not completed.</i>
Select the board or committee you are interested in serving on.	Town Center CRA Advisory Committee
List your qualifications to serve on the selected board or committee.	I'm an intelligent and interested citizen and care about our community.
What do you consider the purpose of this board/committee to be?	To make the Main Street/ City Center area more viable, beautiful and visitor friendly.
What would you like to see this board/committee accomplish?	I would very much like to see the empty buildings used for locally owned businesses and community events. Perhaps an art gallery,...
If you have discussed this application with any member(s) of the Destin City Council, please identify them.	No

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

5/11/2022

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



2020 Pickleball Fact Sheet

Pickleball is a court sport played on a badminton-sized court with the net set to a height of 34 inches at the center. It is played with a perforated plastic ball and composite or wooden paddles about twice the size of ping-pong paddles. It can be played indoors or outdoors and is easy for beginners to learn, but can develop into a fast-paced, competitive game for experienced players. In addition, the game has developed a passionate following due to its friendly, social nature, and its multi-generational appeal.

Pickleball can be played as singles or doubles. New players can learn the basic rules quickly in a single session. No special apparel is needed – just something comfortable and appropriate for a court sport. Equipment is inexpensive and easily portable. The game can be played by all ages and is particularly popular in school P.E. programs and in adult living communities.

The sport is governed by the USA Pickleball Association (USAPA.org), which maintains the rules, promotes the sport, sanctions tournaments, and provides player rankings. For more information, please visit: www.usapa.org.

History

2020 marks the 55th Anniversary of pickleball, as it was invented in 1965 on Bainbridge Island, a short ferry ride from Seattle, by three enterprising dads – Joel Pritchard, Bill Bell, and Barney McCallum. Their children were bored with their usual summertime activities. It evolved from the original handmade equipment and simple rules into a popular sport throughout North America and is now taking off in other parts of the world.

The origin of the game's name is very interesting, especially since no pickles are used. Accounts of how the name originated differ. According to Joel Pritchard's wife (Joan), she started calling the game pickleball because "the combination of different sports reminded me of the pickle boat in crew where oarsmen were chosen from the leftovers of other boats". However, according to Barney McCallum, the game was officially named after the Pritchards' dog Pickles

who would chase the ball and run off with it. According to McCallum, “The Pritchards had a dog named Pickles, and you’re having fun at a party, right? So anyways, what the hell, let’s just call it pickleball.”

Others claim both accounts may be true. In the early years, no official name was assigned to the game. However, a year or two after the game was invented, the Pritchard’s purchased a cocker spaniel and named it Pickles. As the game progressed, an official name was needed and “pickleball” was it.

The Court

A pickleball court is 20’ x 44’ for both singles and doubles. The net is hung at 36” at the ends and hangs 34” in the middle. A non-volley zone extends 7’ back from the net on each side, commonly called “the kitchen.” In 2017, USAPA and the American Sports Builders Association (ASBA) co-produced and released an official pickleball courts construction and maintenance manual for the industry. Copies of this manual can be purchased at:

<https://www.sportsbuilders.org/publications/>

The Equipment

Competitive paddles used in pickleball are constructed from a high-tech composite, ranging in cost from \$50-\$150 each. An official pickleball is made of plastic and is between .78 to .935 ounces and 2.874 to 2.972 inches in diameter. There are no color restrictions other than the ball must be a single, consistent color. The USAPA has tested and approved several outdoor and indoor balls for official tournament play. For more information on equipment approved for sanctioned play, see the following:

[Approved Balls](#)

[Approved Paddles](#)

Places to Play

Every US state and all Canadian provinces now have pickleball venues. Senior residence communities, YMCAs, local community recreation centers, schools and parks are just some of the places likely to have pickleball courts. The USAPA compiles the most up-to-date and comprehensive listing of places to play on a new dedicated website: places2play.org. The known places to play totaled of 7,928 at the end of 2019 which represents an increase of 1,335 or approximately 111 new locations per month.

Tournaments

The USAPA supports and sanctions tournaments throughout the United States. See [Upcoming Events List](#) for a current list of upcoming pickleball tournaments. In 2009, the USAPA held the first Nationals Pickleball Tournament in Buckeye, Arizona. Over 400 players participated in divisions for all ages. In 2019, the Margaritaville USA Pickleball National Championships were

held at the world-renowned Indian Wells Tennis Garden, just outside of Palm Springs, CA. The event drew more than **2,000** registered players who competed for \$80,000 in prize money: the largest cash purse in the history of the sport. [Click here](#) for detailed information. The event also included over 200 hours of livestreamed matches.

Estimated Pickleball Players Within the United States

In the Sports & Fitness Industry Association's (SFIA) 2019 Pickleball Participant Report, they reported pickleball currently has **3.3 million** players in the US. SFIA formed in 1906 and is the premier trade association for top brands, manufacturers, retailers and marketers in the American sporting goods and fitness industry. Here are a few details from the 2019 SFIA Pickleball Participation Report:

- Of the 3.3 million players, 2.0 million were "Casual" participants who play 1-7 times/year
- 1.3 million were "Core" participants who play 8 or more times a year
- The Average Annual Growth Rate (AAGR) for all players from 2015 to 2018 was 9.7%, for a total growth rate of 29.1% over three years
- 62% of participants are men; the percentage of participants who are women grew from 33% to 38% over three years
- The average age for all players is 41 years old
- The average age for Core players is 54 and Casual players 33 years old
- 64% of Core players are 55 or older
- 84% of Casual players are 54 or younger
- From 2015-2018:
 - the percentage of Core players ages 54 and younger grew from 25% to 36%
 - the percentage of Casual players ages 54 and younger grew from 78% to 84%
 - these increases in the percentages of both Core and Casual less than 55 years of age reflect faster growth among younger players
- The percentages by age of Total, Core, and Casual participants are:

AGE	TOTAL	CORE	CASUAL
6-17	16.7%	8.1%	22.2%
18-34	28.0%	11.4%	38.6%
35-54	20.3%	16.3%	22.9%
55-64	14.9%	24.6%	8.7%
65+	20.2%	39.6%	7.7%

- The 3.3 million participants represent 1.1% of the US population of 301M people ages 6+. The 1.3M Core players represent 0.43% of that population.
- The US regions with the largest number of Core participants were:
 - South Atlantic (FL, GA, SC, NC, VA, WV, DC) = 276,000
 - East North Central (WI, MI, IL, OH, IN) = 268,000
 - Pacific (CA, OR, WA) = 260,000
 - Mountain (AZ, NV, NM, UT, CO, ID, WY, MT) = 164,000

- These four regions account for 74% of Core players
- The fastest growing regions are the South Atlantic and Mountain with AAGR of 19.5% and 18.0% respectively.
- 58% of Core players live east of the Mississippi River (750K)

Any citation of this data should reference the SFIA report as its source.

The USA Pickleball Association www.usapa.org

The USAPA was formed in 2005 to promote the sport. It maintains the official rules, sanctions tournaments, provides player rankings and produces the annual USA Pickleball National Championships Tournament. It is run by an Executive Director, staff and a volunteer board of directors supported by an all-volunteer ambassador corp. and thousands of dues-paying members.

USAPA Ambassador Program

USAPA currently has a network of over 1,900 volunteer ambassadors who have pledged to promote the sport of pickleball and the USAPA in their local area. They serve as local representatives for USAPA for all activities related to pickleball within the area they represent. Ambassadors support and abide by all official rules, assist with local clinics/tournaments and look for opportunities to add/grow the game in their community. The USAPA Ambassador Search feature can be found on the USAPA website. [Click here.](#)

Community Grant Program

A USAPA Community Grant will provide current USAPA members a maximum of \$250 reimbursement for the purchase of qualified pickleball equipment dedicated to a specific location. Special considerations will be given to locations with written “new player” training programs, areas with few pickleball locations in the vicinity, and individuals and groups that USAPA deems most in need of financial assistance. For more information please [Click here.](#)

High School Grant Program

The High School Grant Program will award a maximum of \$350 in reimbursement to USAPA members for the purchase of start-up pickleball equipment for regular high school physical education classes and after school programs. The grants funding will be equally targeted to every defined USAPA region and when feasible awarded to different communities within the region. Considerations will be given to schools and districts where pickleball is being introduced into the high school physical education curriculum and schools that USAPA deems most in need of financial assistance. For more information please click on the following link: [Click here.](#)

USAPA Social Media

USAPA social media followers continues is steady growth with December 2019 followers on Facebook at 27,300, almost double from two years ago and Instagram a new channel in 2019 and year-end followers of 7,500. In addition, there were more than 7 million Facebook impressions throughout 2019.

Facebook

- [USA Pickleball Association](#) @usapickleballassociation
- [USAPA Juniors Pickleball](#) @juniorpickleball
- [USAPA Places2Play](#) @places2play

Instagram

- [USA Pickleball](#) @ usapickleball
- [USAPA Juniors](#) @juniorpickleball

Youtube

- [USA Pickleball](#) @ usapickleball

LinkedIn

- [USA Pickleball](#) @ usapickleball

2019 USAPA Facts and Highlights (as of 12.31.19)

- **Places to Play:** USAPA Places to Play Database: **7,928**. Over 1,300 new locations were added to the database (over 111 new locations per month).
- **Membership:** **39,722** (increase of 8,919 or 743 per month). Since 2017, USAPA membership has doubled in size.
- **Total Courts:** **30,238**
- **Ambassadors:** **1,904**
- **Sanctioning:** USAPA sanctioned a record 192 sanctioned tournaments
- **Grants:** USAPA awarded 119 Community Grants and 27 High School Grants, with a total allocation of \$42,000. Pickle-Ball, Inc. joined USAPA and donated 828 wooden paddles to various programs.
- **2019 National Championships:** The Margaritaville USA Pickleball National Championships had over **2,000** registered players and the sport's highest ever cash purse of \$80,000.
- **Certified Referees:** USAPA added another 45 certified referees bringing the new, yet growing list to 206 certified referees.
- **Referee Evaluations:** USAPA referee evaluators conducted a total of 84 referee evaluations.
- **Level I & II Referees:** Launched in April, USAPA added a new referee training program. In 2019, approximately 70 people were trained as either a Level I or Level II referee.

- **Medal Matches:** All medal matches in the 2019 Margaritaville USA Pickleball National Championships were again called by USAPA certified referees.
- **USAPA UTPR Ratings:** USAPA partnered with Pickleballtournaments.com to produce and launch the sport's first results-based tournament player ratings (UTPRs). See <https://www.usapa.org/usapa-tournament-player-ratings/>
- **Professional Pickleball Registry:** USAPA's teaching and training partner, Professional Pickleball Registry (PPR), a subsidiary of the Professional Tennis Registry (PTR) ended their year with 1,665 PPR members. See <https://www.usapa.org/usapa-ppr-agreement/>
- **Hall of Fame:** 2019 Inductees were Daniel Gabanek, Jennifer Lucore, Steve Paranto and Enrique Ruiz.
- **Newsletter:** USAPA produced 6 newsletters in 2019. Archive copies of the newsletter are available at <https://www.usapa.org/usapa-newsletter/>
- **Pickleball Magazine:** USAPA's publishing partner, Dollard Publishing produced another 7 issues Pickleball Magazines and one Product Guide <https://usapa.org/pickleball-magazine/>
- **Referee Training Page:** To help educate and inform referees and the general public on referee matters, the USAPA updated the following comprehensive webpage: <https://www.usapa.org/referee-training-tools/>
- **USAPA/IFP Rulebook:** The USAPA rules committee and board updated and approved the 2019 Official Rulebook.
- **Referee Handbook:** The USAPA Referee Handbook was updated in 2019 by the Certified Referee Handbook Committee.
- **Ambassador Handbook:** The 2019 USAPA Ambassador Handbook was updated by a special committee of ambassadors. The book was distributed to all ambassadors and is updated periodically with new sections.
- **Paddles & Balls:** USAPA tested and approved 134 paddles and 10 balls in 2019.

For photo requests and media inquiries

Email: [Media Relations](#)

USA Pickleball Association

P.O. Box 7354

Surprise, AZ 85374



Pickleball Presentation for the City of Destin

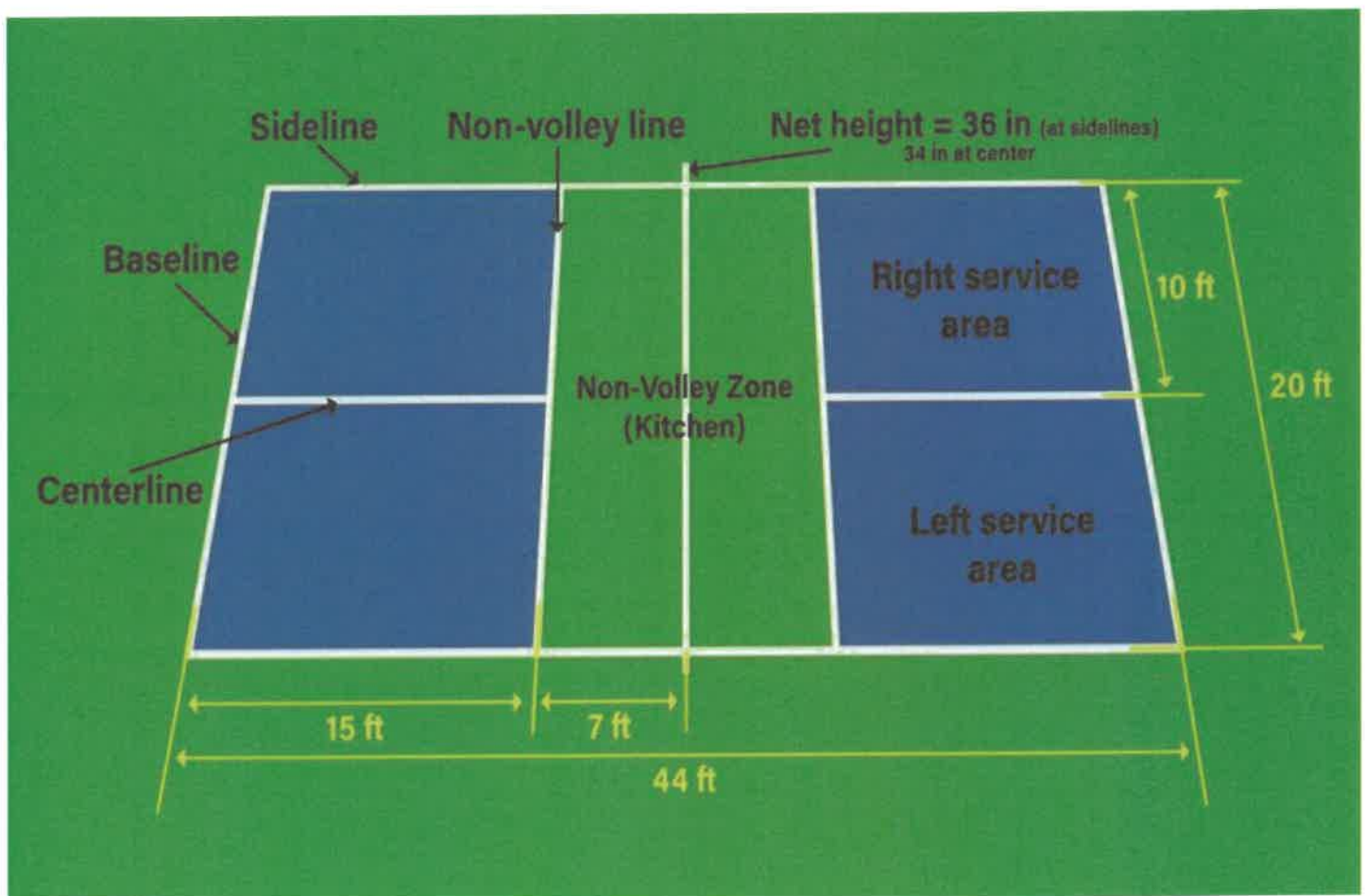
Tracey Clinkscales
USA Pickleball Ambassador
Okaloosa County, Florida
Northwest Florida District of the Atlantic South Region

What is Pickleball?



Pickleball is a fun, easy to learn, active paddle sport created for all ages, skill levels, and abilities. It combines elements of tennis, badminton, and ping-pong. It is played both indoors and outdoors on a badminton sized court with a slightly modified tennis net. Pickleball was developed as a recreational game in 1965 on Brainbridge Island near Seattle, Washington. Three dads – Joel Pritchard, Bill Bell, and Barney McCallum — whose kids were bored with their usual summertime activities — are credited for creating the game. Players use a hard plastic paddle and a plastic ball with holes (similar to a wiffle ball). The game can be played as singles or doubles.

Dimensions of a Pickleball Court



Why Do We Want Dedicated Pickleball Courts?

- *Eliminate the conflicts by no longer having to share courts with tennis players
- *Net has different dimensions. The net has to be adjusted before and after play.
 - Tennis – 42” on end and 36” middle
 - Pickleball – 36” on end and 34” middle
- *Playing on a tennis court with a tennis net doesn’t allow for special pickleball shots
- *Having organized play at set times and days (forming a league)
- *Players prefer to play on a dedicated court
- *Players will travel to courts that are dedicated for exclusive use for pickleball
- *Visitors will plan their vacations around the availability of Pickleball courts
- *Attract sponsors and players from all over for special events and tournaments which will increase the economic impact significantly
 - Camps
 - Training
 - Professional clinics taught by touring Professionals
- *We now have a credentialed USA Pickleball referee and can host sanctioned tournaments (the only one in our geographical area of Northwest Florida)



The Current Growth of Pickleball

Pickleball boasted 4.8 Million players last year; a participation growth of 39.3% since 2019 according to the Sports and Fitness Industry Association's 2022 Topline Participation Report. From 2019 – 2020 the biggest growth was from the 18-24 year old age group with 21%.

THE HIGHEST GROWTH OF ANY SPORT IN HISTORY

The International Federation of Pickleball (IFP), the world governing body of Pickleball is working with the International Olympic committee to establish Pickleball as an Olympic Sport.



Financially, Professional Pickleball has expanded across the country and is attracting big names. Milwaukee Bucks owners Mark Lasry and Gary Vaynerchuk have made investments in Major League Pickleball. The owner of the Carolina Hurricanes has purchased the Pro Pickleball Association and Pickleball Central.

**"The pandemic was very good to Pickleball" said Mike Barnes (The owner of Selkirk – the largest manufacturer of Pickleball paddles and equipment).
"The company has tripled in size since 2020. Across the industry entry-level paddles and nets were sold out and we've continued to see that growth continue since".**

Many athletes and celebrities now play Pickleball to include –

Andrea Agassi

Michael Phelps

Larry David

Melinda Gates

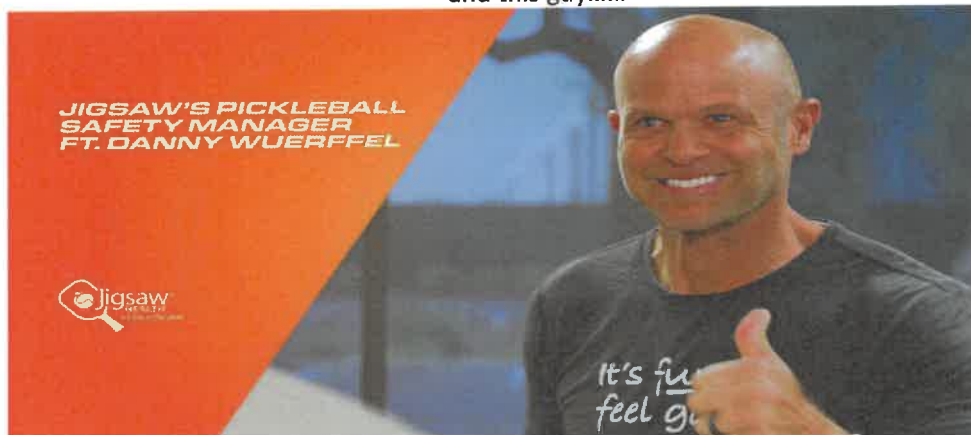
Ellen DeGeneres

Jamie Foxx

Leonardo DiCaprio

The Williams sisters (Venus and Serena)

and this guy.....



Economic Impact of Pickleball





Opelika Alabama Pickleball Facility

[Opelika Pickleball Facility | Opelika, AL \(opelika-al.gov\)](https://www.opelika-al.gov)

- * 24 individually fenced regulation courts
- * LED lighting
- * Large canopy covering the entire facility
- * Ample parking
- * Bathrooms, lockers, showers, and concessions
- * FREE and Open to the public 24 /7 (unless there is a tournament)



From: Anthony Terling <anthony@autourism.com>
Sent: Wednesday, March 17, 2021 2:13 PM
To: 'Jim Young' <jmyoung@hotmail.com>
Subject: RE: Economic Impact

Here you go, let me know any questions you have. If we went by the hotel pickup reports it wouldn't be as high, as it is hard for them to track all those that book through 3rd party planners or book outside the block. The Marriott had 50 room nights at \$125 per night, Home 2 Suites had 18 room nights at \$109 per night, Micro Tel in TT had 9 room nights at \$69, Fairfield and Hampton Inn & Suites combined for 9 room nights at \$94 per night. Either the other hotels didn't respond or didn't have any block pickup to provide us. I still think the room nights are greater than this but that is an assumption, not based on any actual data. You can include the Alabama Senior Olympics, but I would recommend going with a lower impact number than what PAP produces. They may get close to 250-300 players but I'm thinking more in the range of 150-200, with not as many traveling from 80+ miles away. I also threw in a bonus for the transient visitor impact.

Transient Visitor Impact – \$91,607

- Direct Impact of \$62,187
- Direct Tax Receipts (local) \$5,574

Note - This is based on Opelika P&R/OAPC reporting that 1,200 transient (non-local to Opelika/Auburn) visitors came to Opelika to utilize the Opelika Pickleball Facility in one month.

Paddles at the Plex – \$159,400 total impact x 3 events annually = \$478, 200

- Direct Impact of \$110,023 x3 = \$330,069
- Direct Tax Receipts (Local) \$51,289 x 3 = \$153,867
- Room nights – 349 x3 = 1,047
- Peak Rooms – 131 x3 = 393

Note – Data provided by OAPC through zip code reports and on-site/post-event surveys that capture room nights. Not all participants completed a survey on-site or post-event. As of 3/17/21, over 40% of participants have responded, with some being duplicates and some staying outside the Lee County area.

USA Pickleball Atlantic South Regional Championships (600 players) = \$539,886

- Direct Impact of \$372,130
- Direct Tax Receipts (Local) \$159,625
- Room nights – 1,221
- Peak Rooms – 459

USA Pickleball Atlantic South Regional Championships (750 players) = \$673,880

- Direct Impact of \$464,508
- Direct Tax Receipts (Local) \$199,605
- Room nights – 1,527
- Peak Rooms – 574

Upcoming Tournaments in Opeilka

Paddles at the Plex-March 3-6, 2022 (\$154,000) 325 players registered
Atlantic South Regional - June 21-26, 2022 (\$625,000) est 750 players
Alabama Senior Olympics -August 26-38, 2022 (\$100,00) est 200 players
AL Classic App Pro Tour Event - October 5-9, 2022 (\$600,000) est 750 players
IFP Brainbridge World Cup - October 19-23, 2022 (\$650,000) est 1,000 players

Estimated economic impact for 2022

2 million dollars



Towns County Georgia Mountain Pickleball in Hiawassee, Georgia



14 dedicated courts

**E-MAIL DIRECTLY FROM PICKLEBALL AMBASSADOR JOHN HALL
FROM GEORGIA MOUNTAIN PICKLEBALL**

“Attached is an Economic Impact Report done by our Chamber using their model based on our 2019 Fall Classic.

The economic impact of the many visitors that come here because of the courts is significant. ... if it weren't for these courts, most of them wouldn't have come. There also have been many visitors that have purchased second homes here because of the courts and the area.

Good luck with your efforts.”

Note - The 2021 Fall Classic we just completed was even bigger than this.

John

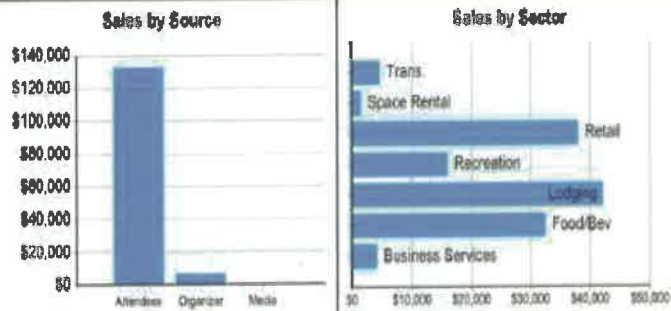
***Hiawassee has a population of 981 people according to the 2020 US census data**

Event Impact Summary

Destination: Georgia Department of Economic Development

Event Parameters		Key Results	
Event Name:	Pickleball - Towns County	Business Sales (Direct):	\$130,759
Organization:	Ga. Min. Pickleball	Business Sales (Total):	\$217,562
Event Type:	Adult Amateur	Jobs Supported (Direct):	74
Start Date:	10/4/2019	Jobs Supported (Total):	86
End Date:	10/6/2019	Local Taxes (Total):	\$7,905
Overnight Attendees:	305	Net Direct Tax ROI:	\$6,958
Day Attendees:	36	Estimated Room Demand:	497

Direct Business Sales



Industry	Attendees	Organizer/Exhibitor	Total
Lodging	\$42,248	\$0	\$42,248
Transportation	\$4,539	\$219	\$4,758
Food & Beverage	\$31,982	\$800	\$32,782
Retail	\$38,170	\$0	\$38,170
Recreation	\$18,110	\$0	\$18,110
Space Rental	\$0	\$1,600	\$1,600
Business Services	\$0	\$4,290	\$4,290
TOTAL	\$133,050	\$6,709	\$139,759

Event Impact Details

Destination: Georgia Department of Economic Development

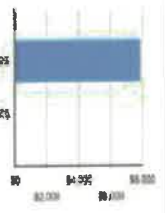
Event Name: Pickleball - Towns County 2019

Organization: Ga. Min. Pickleball

Economic Impact Details			
	Direct	Indirect/Rebound	Total
Business Sales	\$130,759	\$77,763	\$208,522
Personal Income	\$37,845	\$19,909	\$57,754
Jobs Supported			
Persons	74	12	86
Annual FTEs	2	0	2
Taxes and Assessments			
Federal Total	\$11,881	\$6,223	\$18,104
State Total	\$5,136	\$1,123	\$6,259
Sales	\$3,083	\$776	\$3,859
Income	\$327	\$164	\$491
Fed	\$0	\$0	\$0
Jobs	\$775	\$431	\$1,206
Local Total (incl. property)	\$6,908	\$867	\$7,775
Sales	\$3,819	\$682	\$4,501
Income	\$0	\$0	\$0
Fed	\$0	\$0	\$0
per room charge	\$2,488	\$0	\$2,488
anytime charges	\$0	\$0	\$0
restaurant	\$0	\$0	\$0
other	\$653	\$364	\$1,017
property tax	\$1,829	\$886	\$2,715

Event Return on Investment (ROI)

Direct local tax ROI (net property taxes)		
Direct Tax Receipts	\$6,958	
DMO Hosting Costs	\$0	
Direct ROI	\$6,958	
Net Present Value	\$7,905	
Direct ROI (%)	-	
Total local tax ROI (net property taxes)		
Total Local Tax Receipts	\$7,905	
Total ROI	\$7,905	
Net Present Value	\$8,072	
Total ROI (%)	-	



Estimated Room Demand Metrics

Room Nights (total)	497
Room Pickup (block only)	0
Peak Rooms	151
Total Visitor Days	944



minto

US OPEN



PICKLEBALL

CHAMPIONSHIPS

POWERED BY MARGARITAVILLE

Have The Time Of Your Life!

What makes the *Minto US OPEN Pickleball Championships* unique?

Well, it's the largest pickleball tournament in the world! That's certainly part of it. And it's the biggest pickleball party in the world with 25,000 spectators!

That's most definitely part of it.

But it's more. The Open isn't just another pickleball event, it's a pickleball experience. The energy, the spirit of community, the pure joy and fun are unlike anything you'll find at an ordinary tournament. Ask anyone.

So make a memory. Join us in beautiful Naples, Florida in April, 2023 for the 7th Annual *Minto US OPEN Pickleball Championships*.

You haven't really experienced pickleball until you've been to The Open.

East Naples Community Park

3500 Thomasson Dr.

Naples, Florida







News Release

Contact: Doug Rainer
Public Relations Manager
drainer@fwb.org
(850) 833-9513

FOR IMMEDIATE RELEASE
February 27, 2020

City of Fort Walton Beach to Open Pickleball Courts

FORT WALTON BEACH, Fla. – The City of Fort Walton Beach Recreation Department will officially open six new pickleball courts at Jet Drive Park (224 Holmes Blvd. NW) with a ribbon cutting ceremony on Thursday, March 5, 2020, at 10 a.m. Aging and underutilized tennis courts at the park were recently transformed into pickleball courts thanks to Community Development Block Grant funding of approximately \$30,000 approved by the City Council in December 2019. The basketball court at Jet Drive Park also received a facelift.

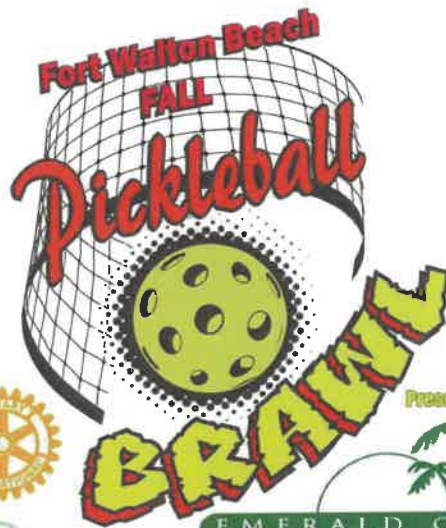
The public is invited and encouraged to attend the March 5 ribbon cutting ceremony. Be sure to bring your pickleball gear!

"Pickleball has become wildly popular in the Fort Walton Beach area over the last few years and the demand for more courts spurred this project. We have been inundated with questions of when the courts will be ready ever since the project was announced," said Recreation and Cultural Services Director Jeff Peters. "We have some pickleball space at the Rec Center, but it just isn't enough. These new courts are a great addition to our park system and will be heavily used."

The Community Development Block Grant is a federal program that provides communities with resources to address a wide range of unique community needs with a goal to create transformative impacts on communities and the lives of residents.



###



Brought to you by
Rotary Club
of
Fort Walton Beach



Presented by

EMERALD COAST
COLLISION REPAIR, INC.

Held at the Mooney Drive Pickleball and Tennis Courts 713 Mooney Dr. Fort Walton Beach FL 32548

REGISTRATION IS OPEN!

www.performancepickleballemeraldcoast.com

Friday November 5, Saturday 6th, Sunday 7th

Group Round Robin format with playoffs to determine winners

Novice, Intermediate, Open, and Open 50+ divisions for
Mens Doubles, Ladies Doubles and Mixed Doubles

\$35 per player for each division entered

All proceeds to benefit the Fort Walton Beach Rotary Scholarship Fund

REGISTRATION IS OPEN DIVISIONS ARE LIMITED! REGISTER EARLY TO INSURE YOUR TEAM SPOT
TO REGISTER GO TO: www.performancepickleballemeraldcoast.com
INFORMATION AND QUESTIONS CALL 850-533-0937

SCHEDULE: Friday November 5th 5pm- Ladies Novice Doubles, Mens Novice Doubles

Saturday November 6th 7:30 am- Intermediate Mixed, Novice Mixed 2 pm - Open Mixed, Open 50+ Mixed

Sunday Nov 7th 7:30 am: Mens Intermediate Doubles, Ladies Intermediate Doubles, Ladies Open Doubles 2 pm - Mens Open Doubles, Mens Open 50+, Ladies Open 50+ Doubles

FWB Fall Pickleball Brawl **Rotary Tournament**

- * Raised \$20,000 for the Rotary Youth Scholarship Fund
 - * 25 local businesses sponsored
- * 25 out of town players (only second tournament held)
 - * 3 area hotels used (Hilton Garden Inn, Hilton Tru, Marriott)
 - * 5 states represented (AL, GA, MS, LA, TX)

The tournament was held on only 6 courts on Mooney Rd. in FWB





RAYMOND JAMES
www.charlesowest.com www.jessicadatkinson.com



Sallie Hardy



Our Plans for Pickleball in Destin



CAPITAL IMPROVEMENT PROJECT REQUEST

RC127

Other Capital Projects: Pickleball Courts

Project Manager: Director of Parks and Recreation

Council Objective: Strategic Goals 2026: Financially sound City providing Service Excellence, 4. Enhanced quality of life and safety for families

Purpose and Justification: Pickleball is a healthy activity appreciated by much of Destin's winter population. This project is to construct a pickleball facility as requested by multiple citizens.

Capital Expenditure Overview						
		FY22	FY23	FY24	FY25	FY26
Estimated Project Costs		400,000				
	TOTAL	\$ 400,000	\$ -	\$ -	\$ -	\$ -

Status:

Comprehensive Plan Policy: 7-1.6.4: Identify Future Recreation Facilities in Capital Improvements Element

Is this a Multi-Year Project: No

If yes, what was/is the Project's initiation Date: NA

Operations & Maintenance (O & M) impact(s): Park Facilities RR057 should increase approximately \$3000 to resurface and restripe periodically.



2022 USA Pickleball Facts and Highlights

- *9,524 known locations to play – 38,140 known courts (66 new places added every month)*
- *53,110 members (an increase of 43.5% since 2021)*
- *2,025 USA Pickleball Ambassadors*
- *153 Sanctioned tournaments (first ever indoor Championship in Hoover AL)*
- *Awarded 87 Community grants and 24 High School Grants*
- *21 new referees (198 certified and 489 level 1 and 2) 1 referee in our area, 1 in training*
- *Our region of South Atlantic has the most players*

1,087,000

Questions?

