

**MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
JULY 26, 2018
DESTIN CITY HALL
ANNEX COUNCIL CHAMBERS
6:30 PM**

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

Destin City Council

Mayor Gary Jarvis
Councilmember Rodney Braden
Councilmember Chatham Morgan
Councilmember Prebble Ramswell

Councilmember Skip Overdier
Councilmember Parker Destin
Councilmember Tuffy Dixon
Councilmember Cyron Marler

Destin City Staff

Finance Director Bragg Farmer
HR Manager Karen Jankowski
Parks and Recreation Director Lance Johnson
Deputy Parks/Rec Director Lisa Firth

City Clerk Rey Bailey
IT Manager Webb Warren
Public Information Manager Doug Rainer
City Attorney Jeff Burns

CALL TO ORDER

Mayor Gary Jarvis called the meeting to order at 6:30 PM. He asked for a moment of silence; followed by the Pledge of Allegiance.

NEW BUSINESS

The Finance Director Bragg Farmer announced that each member of the Council had been provided an advance copy of the preliminary budget to give them time to review it prior to their individual budget review with the City Manager.

Councilmember Ramswell stated that to show appreciations to the current City staff, she would like Mr. Farmer to bring back some information at a future meeting on what it would cost to give the entire staff a 5 percent raise as well as a 10 percent raise.

1. Discussion on City Manager's Replacement

Mr. Edwin "Buzz" Eddy, a Senior Advisor with Florida City/County Manager Association (FCCMA) discussed how his organization can assist the City of Destin in selecting their interim and full-time City Manager. He stated that he was the Coral Springs City Manager for 4 years and the Gulf Breeze City Manager for 25 years. He has had 35 years of experience in municipal government, and he has helped a number of cities in the Panhandle with their City Manager selection process. He also stated they have a group of City Managers that are on in-between

position, or have retired from the City Manager business full-time and are willing to serve in an interim capacity.

Mr. Eddy explained that Interim City Managers come from one of the following three categories: Firstly, they are in transition. They have either resigned or terminated from a position and they are looking for something permanent, but are willing to take on a temporary assignment. Secondly, they are in the later years of their career and willing to work temporarily. Thirdly, they are from the current city staff; someone who is willing to take the position of Interim City Manager until a permanent one is hired. He continued that the senior advisors will work with the City's Human Relations Manager Karen Jankowski and staff on locating someone on an interim basis from one of those three categories and provide background information to the Council. He further stated that the time it takes to find a full-time City Manager may vary; from 60 to 120 days depending on the process involved and the desired qualifications. He continued that Ms. Jankowski has the job description and advertisement already prepared. He expects to receive a lot of applications if the City chooses to advertise with the Florida League of Cities or with the ICMA and other professional journals because of the City's reputation as being a great place to live. He added they have 8 senior advisors with the FCCMA. He could pick one or two to assist him in reviewing the applications and resumes and comparing them with the qualifications and job description set forth by the Council, and provide the Council a list of candidates that best meet those qualifications. The Council would have the option of reviewing all the applications, approving the list as presented, or adding or subtracting from that list. They could then conduct an interview of the finalists after Ms. Jankowski performs background investigations.

The Mayor asked how many special meetings it would take to narrow down the list of applicants and have an open dialogue with the senior advisors.

Mr. Eddy replied it would be at the discretion of the Council. They could also schedule an initial workshop at which time the senior advisors can explain how they came up with the list of top candidates.

Councilmember Dixon suggest they use a similar process as the last time during which they conducted Skype interviews and selected an Interim City Manager; whom they ended up selecting as the full time City Manager. He also stated he would prefer hiring an experienced Interim City Manager because there are a lot of challenging issues facing them right now and they need someone with experience in dealing with those types of issues. They should also start advertising for a full time City Manager while they are in the process of selecting an Interim City Manager.

Mr. Eddy stated the FCCMA senior advisors can go ahead and put the word out as soon as possible that the City of Destin is seeking for an Interim City Manager and then work with Ms. Jankowski in bringing a list of candidates to the Council.

Councilmember Dixon moved to follow a similar process the City of Destin previously used to select an Interim and Full Time City Manager, have Mr. Eddy submit a list of candidates for Interim City Manager to the City Council, start advertising for a full time City Manager while in the process of selecting an Interim City Manager, and have the Human

Resources Manager start finding suitable living arrangements for the future hires if they are coming from out of town; seconded by Councilmember Overdier.

Councilmember Destin stated they may have an issue if the minimum amount of time to find an Interim City Manager is 60 days because August 14th is the final day in office for the current City Manager.

Mr. Eddy explained that finding an Interim City Manager could happen in a week if they could find a local applicant that is willing to step up; or approximately 30 days if the appointee has to relocate. He added that finding a full time City Manager could take 60 to 120 days.

The City Attorney pointed out that the amended contract the Council approved for the City Manager has an effective date of resignation of August 14, 2018. The contract also stipulates that if the Council hires an Interim City Manager before that date, the current City Manager relinquishes her power to the Interim City Manager other than for litigation decisions.

According to Councilmember Marler, they have already received two applications and resumes for the Interim City Manager position; one from a current City employee and another from a previous City employee. He suggests they also be considered for the interim as well as full-time City Manager position.

Councilmember Dixon stated there a lot of important issues facing the City and it would be a big mistake not to hire an experienced City Manager.

Councilmember Ramswell stated they need to consider hiring someone that is already familiar with the City, know the current staff and has an inside perspective on how the City and its Council operate consider the applications they have already received.

The Mayor suggests they afford Mr. Eddy and the other senior advisors some time to come up with a list of other candidates instead of making a selection tonight so they would have more options.

Mr. Eddy stated that the Council could go ahead and appoint an Interim City Manager now if they so desire; and then once they receive a list of other candidates, they could then appoint a different Interim City Manager if they want.

The City Attorney stated the Council can vary the contract as much as they want since the City Manager serves at the will of the Council.

The Finance Director noted that when either an interim or full-time City Manager is appointed, they have to change banking information and signature authority for salary checks and other official documents, and it takes about a week to effectuate the change. He added it could complicate matters if they hire someone now and then rehire another after two weeks.

Councilmember Braden offered a substitute motion to appoint Mr. Joey Forgione as Interim City Manager; seconded by Councilmember Destin.

Councilmember Ramswell asked how many applications and resumes they received the last two times they hired a City Manager.

According to Ms. Jankowski, they received approximately 80 to 100 applications; but, she was not sure how many of those applicants were fully qualified.

Councilmember Ramswell questioned the absence of the current City Manager and Deputy City Manager at tonight's meeting.

The Mayor explained he had spoken with the City Manager and gave her permission not to attend because it may be difficult for her due to the nature of this proceeding.

Ms. Jankowski explained that Mr. Steve Schmidt has also been appointed the Acting Community Development Director as the Community Development Director's resignation is effective August 2nd; and that he may be familiarizing himself with the process to ensure the continuity of operations in that department.

Councilmember Ramswell noted that this type of situation supports her argument that they should hire someone already familiar with the City's operation and consider the two applications they have already received.

Councilmember Marler stated that having just received one application recently and the other just prior to the start of tonight's meeting, it would not be to their best interest to appoint anyone tonight without taking the time to thoroughly review these applications.

Councilmember Morgan stated they seemed to have two very qualified individuals for the job of Interim City Manager. He also stated that he agrees that hiring someone with local knowledge is important; but there is also merit to the argument there are very complex issues that require the hiring of an experienced City Manager. He stated he would like to consider the two current applicants as well as additional candidates for the job.

Councilmember Ramswell asked Mr. Eddy what requirements or criteria they look for a City Manager; or if they would rank someone who has not been a City Manager but works for the City for 12 to 15 years higher than someone who has at least a Deputy City Manager experience.

Mr. Eddy stated that it is important to consider both of these factors in addition to educational qualifications and professional certifications. He continued there are individuals who have never worked as City Manager but are very well qualified for the job. It is also important to consider other candidates who have worked for other cities that are equal in size and responsibilities as Destin; those cities with 13,000 stable population and grow to 30,000 to 40,000 in the summer time. He added they would be evaluating candidates based on the scale this Council sets. They could discuss this matter with individual council member or in a workshop session to identify the qualities that is important to this Council.

Councilmember Ramswell stated they have always tout themselves as promoting from within; but, there have been some instances that she felt it has not been done. She continued that one way to show they are willing to reward good performance and promote from within whenever possible is by considering the two current applicants.

Councilmember Ramswell also noted that the Florida League of Cities put out a list of all City Manager salaries across the State of Florida; and that Destin ranks at the very bottom of the list. She feels this is another issue they should discuss.

In response to a question, Ms. Jankowski noted that the Destin City Manager's current salary is approximately \$125,000.

Mr. Eddy opined that \$125,000 is a competitive salary for a City Manager.

Councilmember Morgan suggests they discuss the City Manager salary another time. He stated there is an intrinsic value to hiring local candidates for Interim City Manager or full-time City Manager. He also pointed out that the Fort Walton Beach City Manager and Niceville City Manager are both from their respective towns. They are already situated and entrenched in their respective community.

Councilmember Braden would like both current applicants for Interim City Manager position to also be considered for full City Manager position.

The Mayor stated he would like to see more candidates even for the Interim City Manager position; especially if it takes 120 days to find a full time City Manager.

The Mayor called for a vote on the substitute motion to appoint Mr. Joey Forgione as Interim City Manager; seconded by Councilmember Destin.

Councilmember Ramswell wants to make sure if the motion fails that both applicants would still be considered for full-time City Manager position along with the other list of candidates.

The Mayor noted that Councilmember Braden had made that clear with his statement that both candidates should be considered for the full-time position as well.

Motion failed 2-5 (Council members Destin and Braden voted "yes"; Council members Morgan, Marler, Overdier, Dixon and Ramswell voted "no").

The Mayor noted they are back to Councilmember Dixon's original motion to follow a similar process the City of Destin previously used to select an Interim and Full Time City Manager, have Mr. Eddy submit a list of candidates for Interim City Manager to the City Council, start advertising for a full time City Manager while in the process of selecting an Interim City Manager, and have the Human Resources Manager start finding suitable living arrangements for the future hires if they are coming from out of town;

There was a question on how soon the Council would get the list of candidates for the Interim City Manager position.

According to Ms. Jankowski, there is a possibility they could bring a list by the August 6th Council meeting; or if Council so desire they could schedule a special Council meeting shortly after to review the list and possibly appoint an Interim City Manager.

Mr. Eddy noted that with such a short turnaround period, they would probably bring the entire list of candidates to the Council rather than weed out the less qualified candidates.

Councilmember Morgan wants to make sure both current applicants are included on the list.

The Mayor called for a vote on the original motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Dixon suggests they compensate Mr. Eddy and the other senior advisors that may assist him for their efforts by paying for their per diem, mileage and other expenses.

Mr. Eddy noted that the FCCMA takes care of all their expenses; however, if there are duties above and beyond, such as assisting the City in reviewing their budget or their budget process, that may evolve within the next few weeks, then they would consider it.

The City Attorney asked if individual member of the Council could contact Mr. Eddy directly during this process.

According to Mr. Eddy, members of the Council are welcomed and encouraged to contact any of the FCCMA senior advisors to discuss any issues regarding the hiring of their Interim City Manager or full-time City Manager.

OTHER BUSINESS

Councilmember Dixon moved to set aside the order of the day to discuss and possibly vote on an issue that was not included on the special meeting agenda; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Destin stated that the Tourist Development Council (TDC) is charged with promoting tourism. They are in a unique position to try to effectuate some changes in a positive way regarding the customary use issue. He stated that many of the citizens have contacted members of this Council on this issue and the contentiousness surrounding this issue, which is not expected to be resolved any time soon as there have not been a lot of solutions being presented. As this Council's representative to the TDC, he recommends acquiring more beaches for the public; adding there is a shortage of purely uncontested public beach and there is TDC as well as Restore Act money available to purchase beach properties. There are properties that exist within the City of Destin, several of which are located within the Crystal Beach area. He suggests they start approaching the owners of these homes to find out if they are interested in selling their property, and

that they need to appoint someone to lead this initiative. He suggests Council authorizes Mayor Jarvis to be that person with the assistance of the City Attorney and Land Use Attorney.

Councilmember Destin moved to authorize Mayor Gary Jarvis to lead the initiative of trying to acquire more public beaches, with assistance from the City Attorney Jeff Burns and City Land Use Attorney Kimberly Kopp, and to have preliminary discussions with land owners at their discretion; seconded by Councilmember Morgan.

The City Attorney wants to make sure there would be no negotiations involved; that it is for information gathering only.

Councilmember Destin replied affirmatively.

Councilmember Braden stated that the Holiday Inn would have been an ideal piece of property for parking pavilion and fishing pier; however, when he reached out to the owner almost a year ago, he was informed they want to redevelop that property and has no interest in selling it.

According to the Mayor, they have heard something different about this property since then, and it may be a good idea to initiate another discussion with the property owner. He also stated this initiative falls right in to what Councilmember Ramswell talked about a few months ago about a City pier. They have the TDC funding available. He has also looked into State-owned piers throughout Florida. There is a Florida Land Grant which is involved in most of the State pier purchases over the last 30 years. He added it is a perfect timing for this type of initiative as it would help lessen the controversy surrounding the customary use issue.

Councilmember Ramswell noted that when she spoke with County Commissioner Nathan Boyle over a year ago about this issue, he told her the County is definitely interested and urged her to bring in some gulf front property that the County could try to fund for the City.

Councilmember Marler mentioned that some of the property owners on Holiday Isle that were interested in selling their properties to the City approached the Council several years ago. However, they met some resistance with the homeowners association for various reasons at the time.

The Mayor asked if any member of the public wishes to comment on this issue.

Ms. Marcie Bell, a Destin resident, stated that while attending the Walton County Board of Commissioners meeting a few weeks back, someone mentioned to her about the possibility of using TDC funds or Restore Act funds to purchase beach property. The only question is how many property owners would be willing to sell their property. She also stated that customary use is an interesting subject. She suggests approaching every property owner on the beach about purchasing their property from the mean high water line to the toe of the dune; and then making it a public access beach.

Councilmember Destin stated that property owners may have to pay less tax, but there may be some resistance as they have to share the beach with the public. However, it would not hurt to ask that question.

Ms. Bell also noted that the Holiday Isle Homeowners Association Covenants, Conditions and Restrictions (CC&R) do not allow property owners to sell their property to make it a public beach; however, the City may be able to purchase the property from the mean high water line to the toe of the dune.

Councilmember Ramswell stated it was her understanding the City of Destin or Okaloosa County used taxpayer funds several years ago to re-nourish their beaches; and that all but one condominium complex had agreed to do it. The one property that did not agree did not get their sand re-nourished; but, the sand eventually filled it in and they ended up benefitting anyway. She contends that since they use taxpayers' money to re-nourish the beach, it should be considered public property.

The City Attorney explained that under the controlling case that went before the Supreme Court, if they re-nourish the beach and declare a new mean high water line, it becomes the controlling line for public and private property. The water side of the mean high water line becomes public property. He also noted that aside from the condominium complex, there were also 10 to 15 other houses to the west of that property that refused to participate with the beach re-nourishment.

The Mayor added that the property owners sued not to get sand because they did not want to give the public access to the beach.

Councilmember Ramswell stated that in some areas the sand was gone almost up to the buildings and way beyond the dune; in which case, these portions should be considered public beach.

The City Attorney stated there might be a case to be made for it; but, they would not be able to determine that tonight.

Councilmember Destin stated there are a lot of litigations involved in this matter and the judges would have to make the decision. He feels there would be a lot of support for buying more public beaches.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

At this time, Ms. Jankowski asked for some clarifications with regards to the recruitment process for the full-time City Manager; whether or not she should bring the item back to obtain Council's direction on August 20th Council meeting.

It was the general consensus of the Council for Ms. Jankowski to bring back recruitment options for a full time City Manager on August 20th.

Councilmember Ramswell asked if the Council selects the salary for an Interim City Manager.

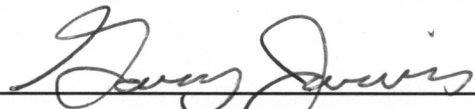
The City Attorney noted that the Council made that decision when they initially appointed the current City Manager for the interim position; adding they paid Ms. LeJeune the equivalent to the monthly salary of the previous City Manager Greg Kisela.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:00 PM.

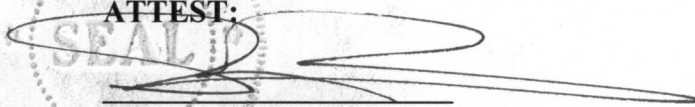
ADOPTED THIS 5TH DAY OF SEPTEMBER 2018

By:



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk