MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 8, 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 Dewey Destin
Councilmember Johnny King
Councilmember Bobby Wagner
Councilmember Rodney Braden
Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson
Deputy City Clerk Kim Montgomery
Code Compliance Director Susan Corbin
Community Development Director Louis Zunguze
Grants/Project Manager Jeffrey Cozadd
Finance Director Krystal Strickland
Land Use Attorney Kim Kopp
Deputy City Manager Webb Warren
Public Information Manager Catherine Card
Public Works Director Michael Burgess
Parks/Recreation Director Lisa Firth
City Engineer Ryan Scott
City Attorney Kyle Bauman (virtual)

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church of Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

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

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

2. PUBLIC COMMENTS

Mr. Drew Mitchell, a Destin resident, stated there are about a thousand people a day, 200 days a year, at the Norriego Point Park bringing food and beverages. They are polluting the Destin park and water because there are no restrooms, trash cans, and any available services nearby. It has been going on for a few years. He believes the city is in violation of its own code. He continued he has expressed his concern with city staff to no avail. No one from city staff has contacted him about this issue, which is why he is bringing his concern to the city council. He

pointed out that according to the city's document, Norriego Point Recreation Restoration Project, "The publicly funded project for public access to the shoreline shall provide necessary support, facilities, and services. Sanitary facilities shall be provided and shall be as near to the bathing area to ensure patron use." He continued that the park is open daily from dawn to dusk. It is not being operated as it was intended. He also stated that according to the city's attorney, there is a permit that is closed to being acquired, and that the developer located next to the park must build the road within 9 months. This means there will be many more gallons of raw sewage on Norriego Point due to lack of restroom facilities. He added that the city is marketing Norriego Point as a destination for the tourists, and so it is the city's responsibility to remedy this situation. He urged the council to take the necessary steps to address this problem.

3. CONSENT AGENDA

A. Captain Royal Melvin Park Vintage Welcome Sign
B. Request for use of Right-of-Way Destin Rodeo Run 5k
C. FY 2021 Edward Byrne JAG Grant - 51% Letter of Support
D. Resolution 22-12, Authorization to renew FDOT Right-of-Way Maint. Agreement with Ferrovial Services Infrastructure, Inc.
E. Reimbursement to Councilmember Bobby Wagner for expenses incurred while Attending the Florida League of Cities Annual Conference at Hollywood, FL, from August 10-14, 2022
F. Subaward Agreement Extension - Restore Act/Captain Royal Melvin – Amendment Three
G. Single-Family Residential Marine Construction Proposed at 10 Moreno Point Rd (Parcel ID 00-2S-24-2186-000C-0100)
H. Single-Family Residential Marine Construction Proposed at 518 Norriego Road (Parcel ID: 00-2S-24-2186-000F-0260)
I. Destin Youth Council Membership Appointment
J. Approval of minutes of August 15, 2022 Council Executive Session
K. Approval of minutes of August 11, 2022 Council Budget Workshop
L. Approval of minutes of August 1, 2022 Regular City Council Meeting
M. Boards & Committee Minutes

Councilmember Hebert moved to approve Consent Agenda items 3A thru 3M; seconded by Councilmember Wagner. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

4. CITY MANAGER REPORTS

A. Continuing Financial Audit Services - RFP 22-07-FIN

Finance Director Krystal Strickland explained that the current contract with EFPR Group was a three-year contract with options for two extra renewals which covered audits for the fiscal years ending 2016 – 2020. Council agreed to extend EFPR Group's contract for on additional year to cover the audit of the fiscal year ended September 30, 2021. It is recommended that the city request proposal for financial audit services every 5 years. At the July 11, 2022 regular council meeting, an Auditor Selection Committee was formed and 4 members were appointed.

Councilmember Bagby was appointed as the Chairperson of that committee. The committee met on July 18, 2022 to review and edit a draft Request for Proposals (RFP). The final edited RFP was issued to the public on July 19, 2022. The proposals were opened and recorded by the City Clerk on August 18, 2022. Three proposals were received. The proposals with scoresheets were routed to committee members for their review. The Auditor Selection Committee met on August 22, 2022 to discuss the proposals received. At this meeting, the members remitted their final scores and scoresheets to the City Clerk. Mauldin & Jenkins earned the highest number of points for Firm Qualifications and Experience due to their experience with such a large number of Florida local governments. They also earned the highest number of points for Management and Staff Experience because of the large number of staff profiles with high amounts of expertise with Florida local governments. The committee recommends issuance of a contract to Mauldin & Jenkins.

Councilmember Bagby moved to authorize the City Manager to engage Mauldin & Jenkins to conduct Financial Services Audits for fiscal years ending September 30, 2022, September 30, 2023, and September 30, 2024, with optional extensions to audit the fiscal years ending September 30, 2025 and September 30, 2026. Councilmember Hebert provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

B. Property & Casualty Insurance Renewals FY23

Motion by Councilmember Hebert, seconded by Councilmember Wagner, to authorize the City Manager to engage Florida Municipal Insurance Trust to bind Workers Compensation Insurance and to engage Public Risk Insurance Agency to bind all other lines of Property and Casualty coverage for Fiscal Year 2023 passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

C. 2023 Strategic Plan Update

The City Manager noted that on January 27, 2022, staff and council attended the 2022 Strategic Planning and Visioning Session. On March 7, 2022, council adopted the reprioritized Strategic Goals and the Council Objectives for Fiscal Year 2023. During May, June, July, and August 2022, council participated in budget workshops for Fiscal Year 2023. Based on the current strategic plan and information from the four budget workshops, staff is presenting the three other sections of the Fiscal Year 2023 plan for council's consideration and adoption. The three sections are Management Objectives, Management in Progress, and Major Project.

Councilmember Wagner moved to adopt the 2023 Strategic Plan as presented, seconded by Councilmember Hebert.

Councilmember Bagby noted that the Management Objectives is also the City Manager's draft evaluation metrics. He stated that the City Manager wanted his evaluation metrics to be part of the strategic plan so it would be approved every year once they approve the update to the strategic plan. He also stated that if any member of the council sees an area in the city they want to use to measure the City Manager or his staff's performance, they could place it on the agenda for approval at the next meeting for addition to the Management Objectives for FY 2023.

Likewise, if they want the evaluation metrics on a different format, they could also discuss that and then agree on the format.

Councilmember Schmidt noted this is 5-year management plan/objectives. He asked how it could be used as a frame of reference for the City Manager's annual evaluation in 2023.

Councilmember Bagby explained that Management Objectives are rarely 5 years out. These are the 2023 Management Objectives, and that most of the items listed actually shows a 2023 completion date.. He recommends removing the heading "2023 to 2028" and putting "2023" in its place.

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

D. Water Quality Improvement Fund (Resolution 22-13)

The Finance Director Krystal Strickland noted that in 1987, the City of Destin adopted a Coastal Management element in the city's comprehensive plan which included a Net Positive Environmental Benefit (NPEB) fee to protect water quality within the Destin Harbor as part of Ordinance 087 (amended in 1994 with Ordinance 087.1). The policy states that fees collected shall be "earmarked to a water quality improvement fund." Staff recommends reclassifying this bank account and the related revenues and expenditures into a proposed new fund to be called the "Water Quality Improvement Fund."

Ms. Strickland also noted that in 1995, the City of Destin adopted Ordinance 275 to create a Destin Harbor Stormwater Trust Fund. This ordinance was accompanied by a memorandum of understanding with the Florida Department of Environmental Protection (FDEP). The ordinance required setting up a separate bank account to receive funds to be expended on establishment of stormwater treatment facilities and maintenance of those facilities. Staff recommends reclassifying this bank account and the related revenues and expenditures into the proposed special revenue to be called the "Water Quality Improvement Fund."

Ms. Strickland explained that the Water Quality Improvement Fund will be set up as a special revenue fund. Special revenue funds are for committed or restricted funds that may be used for either operating or capital projects and are budgeted annually. Staff recommends adopting a Water Quality Improvement Funds as a special revenue fund to track activity of the Stormwater Trust Fund and NPEB fees collected.

The mayor noted that the two funds were established for two different reasons. He wants to make sure the recommended change does not lessen the capabilities to address the harbor's specific issues.

Ms. Strickland explained that the restrictions for both funds are staying the same. This will be more of an accounting issue. Each fund will continue to be tracked with its own unique expenditure accounts, and the back account will continue to be maintained separately so as not to commingle these funds with other city revenues.

Councilmember Destin noted that these ordinances were adopted at the request of FDEP in order to have a funding mechanism to clean up the harbor. This was all tied to a harbor study and the harbor ordinance. He expressed concern that if they broaden the use to include all waterways in the City of Destin – which could include Joe's Bayou, Indian Bayou and all waters – could create a legal issue with FDEP. He asked where the direction come from to extend this ordinance to include all waterways in the City of Destin rather than just the harbor waterways.

The City Attorney explained that the intent of the proposed resolution is merely to change the funding restrictions from only capital expenditures to both capital and operational expenditures. It was not meant to widen the expenditures of those funds for the different waterways.

Councilmember Destin pointed out that NPEB fees only apply to commercial marinas, and that there are no commercial marinas in Destin other than in the harbor, and definitely none in Joe's Bayou and the other bayous. It seems they are taking money that is created for one area in the harbor and spending it to other areas not covered by commercial development. He asked if they charge NPEB fees on residential docks.

Community Development Director Louis Zunguze stated they would need to go back and clarify this issue.

According to the City Attorney, this is merely a minor accounting issue that relates to the difference between capital expenditures and operating expenditures. The Finance Director is just trying to make the accounts more flexible.

Ms. Strickland explained that the intention was not to expand the location of uses of these funds. The stormwater funds from FDEP were for mitigation in the Destin Harbor. According to the memorandum of understanding with FDEP, after the stormwater cleanouts are built, that they should maintain them each year with the remaining funds. Maintenance or cleaning out those stormwater discharges into the harbor is an operating expenditure. In order for the city to reasonably expend the remaining funds for that purpose, they would need to move them out of the capital project fund and into a different funding account that falls under operating expenses.

Councilmember Destin recommends they table this item to give the City Attorney time to review the resolution to make sure changes in the ordinance will not have any legal ramifications and will not violate the city's agreement with FDEP.

Councilmember Destin moved to table this item to the first council meeting in October 2022 to give the City Attorney time to review this matter; seconded by Councilmember Bagby. Motion passed 6-1 (Council members Schmidt, King, Hebert, Bagby, Destin, and Braden voted "yes"; Councilmember Wagner voted "no").

Councilmember Bagby asked if they would need to move any money from one account to another as it relates to this matter before the end of the fiscal year since the proposed resolution will not be approved until October.

Ms. Strickland stated they would not have to do so before the end of the fiscal year.

E. Destin High School Request for a Baseball Field at Morgan Sports Field – Update

The City Manager stated that council had previously directed staff to bring back an update on bringing the baseball field at the Destin Elementary School up to the standard that would meet high school regulations. That update was provided to council two meetings ago and staff promised to bring back information regarding potentially converting the Barracuda Field at Morgan Sports Center to a regulation high school baseball field. The information is being presented to council tonight.

Councilmember Schmidt moved to direct the City Manager to convert the Barracuda Field at Morgan Sports Center to a regulation high school baseball field; including expanding the infield further adding grass infield for 90-foot bases, and not put-up fencing and netting at this time. Councilmember King provided a second to the motion.

Councilmember Destin pointed out this particular item was not projected to be voted upon tonight. He also stated that the following motion the council adopted on June 20, 2022 was not fully adhered to by staff. That motion was as follows:

Direct city staff to work with the Destin High School in acquiring a more permanent place for the baseball field and sports facility for the high school. Also, to direct city staff to determine the exact cost to renovate the baseball field at the Destin Elementary School to serve as a temporary solution and address the present need of the high school, and to act as a bridge to a more permanent solution for the high school.

He asked whether staff has looked at any property around the city for potential permanent location of the baseball facility for the Destin High School, which is the main thrust of this motion.

Parks and Recreation Director Lisa Firth stated that they have informed the Destin High School regarding some available land on the south side of the Destin Elementary School, but she is not sure whether the Destin High School is entertaining that option.

Councilmember Destin argues that it does not appear staff has fully carried out the policy direction given by the council by not presenting to the council a recommendation for a more permanent solution for the high school. They would need a motion to reconsider that motion adopted on June 20th to put that motion back on the table.

Councilmember Bagby stated it was his understanding Destin High School representatives are coming before the council to present their proposal at the next meeting. He was not expecting a motion and a vote on this issue tonight.

Ms. Firth noted that they were supposed to come tonight but decided to postpone it to the next meeting because the first high school football game is scheduled for tonight.

The City Attorney noted that the city council adopted very specific rules for rescission of an adopted motion. The council can consider a rescission that would allow them to take different types of policy action at a future meeting. Any member can consider rescission tonight, if that

motion passes, then that motion will be placed under that councilmember's name on the next agenda when the actual motion to rescind will be considered.

Councilmember Schmidt argues that his original motion was valid since this item is listed on tonight's agenda under City Manager Reports. City staff has provided the report and so he has every right to make that motion.

Councilmember Braden stated that people who are for or against this item may have decided not to show up because they were not expecting any action to be taken tonight.

According to the City Attorney, some members of the council feel there was a policy direction that was not fully implemented at this point. To reverse a policy direction is when these rules become effective. As the City Attorney, he cannot determine for the council whether staff has fully carried out that policy direction.

Councilmember King moved to reconsider the following motion the council adopted on June 20, 2022 to the next council meeting; seconded by Councilmember Hebert.

Direct city staff to work with the Destin High School in acquiring a more permanent place for the baseball field and sports facility for the high school. Also, to direct city staff to determine the exact cost to renovate the baseball field at the Destin Elementary School to serve as a temporary solution and address the present need of the high school, and to act as a bridge to a more permanent solution for the high school.

Councilmember Destin noted that since this is a non-agendaed vote, it would need a supermajority vote to pass.

Motion failed 4-3 for lack of super-majority vote.

The City Attorney stated that any member of the council on the prevailing side of the vote on the motion can request that it be added on the next agenda to consider rescission of that motion.

Councilmember Hebert asked city staff to place consideration for rescission of the following motion the council adopted on June 20, 2022 under her name on the next council meeting agenda:

Direct city staff to work with the Destin High School in acquiring a more permanent place for the baseball field and sports facility for the high school. Also, to direct city staff to determine the exact cost to renovate the baseball field at the Destin Elementary School to serve as a temporary solution and address the present need of the high school, and to act as a bridge to a more permanent solution for the high school.

F. Citizen Survey – Update

The City Manager noted that the survey will be mailed to the residents starting tomorrow. The first part of it will be a random sampling of their residents which would make it statistically valid. The second will be an open survey for anyone who wish to participate. The online survey

will open on October 14th and close at the end of October. The final report will be available on November 23rd.

G. Announcements

5. PUBLIC HEARINGS

A. First reading of Ordinance 22-13-CN - Adopting the Fiscal Year 2023 Millage Rate

The Land Use Attorney read Ordinance 22-13-CN by title, and then presented it to the city council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2023; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Ms. Sandy Trammell, a Destin resident, stated that since they are increasing the millage rate by 12 percent, there are residents that will not be able to afford it. She recommends cutting back on some budget items or vote no for increasing the millage rate.

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 Ordinance 22-13-CN on first reading adopting a proposed Fiscal Year 2023 millage rate of 1.6150 mills which is more than the rollback rate of 1.4391 by 12.22 percent. The second reading will take place at a public hearing #2 on September 19, 2022 at 6:00 pm at the City Hall Annex. Councilmember Braden provided a second to the motion.

Councilmember Bagby addressed the comments made by the previous speaker, explaining that the millage rate is not increasing. It is staying the same. The tax increase is due to the increase in property values. And since, their senior citizens and long-term residents are homesteaded, their taxes can only increase by 3 percent.

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

B. First reading of Ordinance 22-14-CN - Adopting the Fiscal Year 2023 Budget

The Land Use Attorney read Ordinance 22-14-CN by title, and then presented it to the council on first reading.

> AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1,

2022 AND ENDING SEPTEMBER 30, 2023; 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 Schmidt moved to amend the FY 2023 budget by transferring $50,000 from the council contingency fund to a specific capital project line item for City Center Planning and Design was seconded by Councilmember Hebert and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

Councilmember Bagby moved to make an amendment to the FY 2023 budget which provides for a 2% COLA and a merit increase up to 4% for city staff members as seconded by Councilmember Destin and passed 5-2 (Council members King, Bagby, Destin, Wagner, and Braden voted "yes"; Council members Schmidt and Hebert voted "no").

Councilmember Destin moved to make an adjustment to the FY 2023 budget to come up with $50,000 for a charging station for electric vehicles; seconded by Councilmember Wagner. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

Councilmember Bagby requests a mid-year report on merit increases (cost/average percent increase).

Councilmember Schmidt moved to adopt Ordinance 22-14-CN, as amended, on first reading to provide for a balanced budget for FY 2023. The second reading will take place at a public hearing #2 on September 19, 2022 at 6:00 pm at the City Hall Annex. Councilmember Wagner provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

C. Second reading of Ordinance 22-02-PC - Amending Comprehensive Plan: 2020; Amending Chapter 1 - Future Land Use Element; establishing the following Planning Areas within the City of Destin: Airport, Crystal Beach, Gulf Resort, Harbor, Henderson Beach, Holiday Isle, Town Center Commons, and Objectives relating to such Planning Areas.

The Land Use Attorney read proposed Ordinance 22-02-PC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING ITS COMPREHENSIVE PLAN: 2020; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR TITLE; PROVIDING FOR JURISDICTION; PROVIDING FOR INTENT; AMENDING CHAPTER 1 - FUTURE LAND USE ELEMENT; ESTABLISHING THE FOLLOWING PLANNING AREAS WITHIN THE CITY OF DESTIN: AIRPORT, CRYSTAL BEACH, GULF RESORT, HARBOR, HENDERSON BEACH, HOLIDAY ISLE, TOWN CENTER COMMONS, AND

VILLAGE PLANNING AREAS, AS GENERALLY DEPICTED ON THE MAP ATTACHED HERETO AS EXHIBIT A; PROVIDING FOR GOALS, POLICIES AND OBJECTIVES RELATING TO SUCH PLANNING AREAS; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The mayor opened a public hearing to receive comments for or against the proposed ordinance. Having no 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.

Motion by Councilmember Hebert, seconded by Councilmember Wagner, to approve the proposed Ordinance 22-02-PC - Planning Areas for incorporation into the Comprehensive Plan and Future Land Use Map passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

D. Second reading of Ordinance 22-12-CN - Approving the form and authorizing execution and delivery of an interlocal agreement between the City of Destin and Okaloosa County to facilitate the city's acquisition of certain beach property and the Development or redevelopment of such property for public recreation and tourism purposes, and to establish the respective financial obligations of the city and county associated therewith.

The Land Use Attorney ready proposed Ordinance 22-12-PC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA APPROVING THE FORM AND AUTHORIZING EXECUTION AND DELIVERY OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF DESTIN AND OKALOOSA COUNTY TO FACILITATE THE CITY'S ACQUISITION OF CERTAIN BEACH PROPERTY AND THE DEVELOPMENT OR REDEVELOPMENT OF SUCH PROPERTY FOR PUBLIC RECREATION AND TOURISM PURPOSES, AND TO ESTABLISH THE RESPECTIVE FINANCIAL OBLIGATIONS OF THE CITY AND COUNTY ASSOCIATED THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Ms. Trammell noted that this item was discussed at the Parks and Recreation Committee meeting, and that the committee fully supports this acquisition.

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 Hebert moved for approval of Ordinance 22-12-CN on second reading and direct the City Manager to execute the Bulk Purchase Agreement with the Trust for Public Land, Inc. for the purchase of Tarpon Beach and proceed with closing on that property. Councilmember Wagner provided a second to the motion.

Councilmember Schmidt stated that he supports the beach acquisition but not the deal they are making with the county. He feels the county should partner with the city on the maintenance of the parks rather than the city paying 100 percent of the cost to maintain the parks. He does not agree with the city having to ask permission from the county to make small changes to the park since the city owns the park. He also questioned the idea of including this item in their budget when they have not approved it yet.

The mayor called for a vote on the motion, which passes 6-1 (Council members King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember Schmidt voted "no").

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

A. Councilmember Braden

Councilmember Braden requested an update on the status of the Capt. Royal Melvin Heritage Park.

According to the City Manager, the contractor has engaged an attorney. The city's attorneys are working with that attorney trying to work something out to move the project along and take ownership of the park.

The Land Use Attorney stated they are not yet in litigation. They are working with the contractor's attorney to try to resolve existing issues.

B. Councilmember Wagner

Councilmember Wagner moved to direct city staff to work with the TDC to create an informative video that would provide more information and transparencies on the facts of the new beach parks and how they would be utilized by the public; seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

C. Councilmember Destin

Councilmember Destin noted that State Representative Maney has received about $200,000 from the legislature to be used to design the Linear Park on the Gulf Power right-of-way behind Big Kahunas. That money has an expiration date, and so it has to be used before the deadline date or they would lose it. He continued that the city would need to form a committee within the city that will include one member of the city council. Gulf Power Inc. will provide a representative since the design will have to meet Gulf Power's requirements.

Councilmember Wagner volunteered to be part of the committee.

Councilmember Bagby requests they include a member of the Parks and Recreation Committee.

Grants/Project Manager Jeff Cozadd stated they have not been provided a grant agreement through FDOT which would actually explain the timeframe by which the money has to be spent.

Councilmember Destin moved to direct the City Manager to form an advisory committee within the city consisting of city staff members, a member of the Destin City Council, a representative from Gulf Power, Destin Water Users, and Parks and Recreation Committee for the development design of the linear park project. Councilmember Hebert provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

D. Councilmember Bagby
    1. Waiver of the city fees - Destin Charity Wine Auction Food Truck Party

Councilmember Bagby moved to waive the $250 special event permit fee for the Destin Charity Wine Auction Food Truck Party; seconded by Councilmember Wagner. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

E. Councilmember Hebert
F. Councilmember King

Councilmember King asked when the council could get an update on the bare boats issues with regards to code enforcement as they have previously requested.

According to the City Manager, the Harbor Capacity Study that is ongoing down on the harbor will include taking inventory of those items. He stated they have agreed on the quarterly report with regards to code compliance issues. September 30th will be the end of the 4th quarter and so the quarterly statistics will be presented to the council in October.

G. Councilmember Schmidt
    1. Food Truck Ordinance/Regulation

Councilmember Schmidt noted that the maps provided show allowable districts for the mobile vendors. His goal is to expand the locations where they can operate.

Councilmember Schmidt moved to direct the Land Use Attorney and staff to review and bring back potential changes to the food truck ordinance/regulations; seconded by Councilmember Wagner.

Councilmember Bagby asked if there is a reason for not allowing food trucks where they allow other food service businesses such as restaurants.

According to Community Development Director Louis Zunguze, they cannot offer any explanation at this time, but it is one of the items on their list to look at as part of the overall rewrite of the land development code ordinances, which is projected to come before the council for their review by March 2023.

Councilmember Schmidt requests they bring this particular ordinance back to the council before March because the March/April timeframe is food truck season.

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

Next, Councilmember Schmidt moved to direct the City Manager to look into the old RV parking lot located within the crosstown connector space to see how it could be utilized for the public; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").

Councilmember Schmidt requests the topic "Morgan Sports Center Barracuda Field changes" be placed under his name on the next city council meeting agenda.

H. Mayor Gary Jarvis
I. Land Use Attorney
J. City Attorney

7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:44 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk