

**REGULAR MEETING  
DESTIN CITY COUNCIL  
OCTOBER 17, 2022  
ANNEX COUNCIL CHAMBERS  
6:00 PM**

***\*\*Core Value of the Month - Transparency\*\****

**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 - Larry Hatchet Fishing 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. Capital Project Status
  - B. Operations Financial Report
  - C. Single-Family Residential Marine Construction Proposed at 155 Calhoun Avenue (PARCEL ID: 00-2S-22-0630-0000-14B2)
  - D. Resolution 22-16 - Amendment to the Youth Council ByLaws
  - E. Approval of minutes of September 19, 2022 Regular City Council Meeting
- 4. CITY MANAGER REPORTS**
  - A. Capital Project Management / Matrix Contract
  - B. Water Quality Improvement Fund (Resolution 22-13)
  - C. Cross Town Connector - Stormwater Design Update
  - D. Viability of Cross-Town Connector property as temporary recreational area
  - E. Resolution 22-17: Repealing Resolution 21-07 - Eminent Domain
  - F. Announcements
- 5. PUBLIC HEARINGS**
  - A. First reading of Ordinance 22-15-CN - Amending appropriations for certain expenditures, expenses, capital improvements, and certain indebtedness for the City of Destin, Florida for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

- B. First reading of Ordinance 22-16-CN - Providing for a six-month extension of the temporary moratorium on livery vessel permits; directing staff to develop recommendations for regulation of livery vessels; providing for expiration of moratorium on June 30, 2023.
- C. Candi Gray of Emerald Coast Permitting, Inc., on behalf of Wayne Lung of Heron's Nest LLC, has submitted an application for City Council review and determination for construction of a 26-slip commercial marina to be located at 105 and 109 Calhoun Avenue. The marina is proposed to consist of one (1) 392' x 8' access pier, one (1) 171' x 9' terminal platform, six (6) 30' x 4' finger piers, four (4) 25' x 3' finger piers, and two (2) 21' x 3' finger piers, comprising a total of ±5,821 square feet. The marina is also proposing to provide a Water Taxi Boarding Area.

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

- A. Councilmember Braden
- B. Councilmember Wagner
- C. Councilmember Destin
  - 1. Installing a raised pedestrian crossing on Sibert Avenue similar to the raised pedestrian crossing located at the corner of Zerbe and Calhoun.
- D. Councilmember Bagby
  - 1. Code Compliance Process
- E. Councilmember Hebert
- F. Councilmember King
- G. Councilmember Schmidt
- H. Mayor Gary Jarvis
  - 1. Returning to traditional sports seasons or to successful city-run sports programs in the past for each individual sport.
- 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](http://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](http://www.cityofdestin.com/agendas).



# *City of Destin*

## *Proclamation*

### **Larry Hatchett Fishing Day**

**WHEREAS**, in October, more than 100 foster children will get the chance to fish in the 74<sup>th</sup> Annual Destin Fishing Rodeo as part of the Larry Hatchett Fishing Foundation; and

**WHEREAS**, teaching kids to fish is the very heart of the Larry Hatchett Fishing Foundation, and for the last 31 years the Foundation has done just that; and

**WHEREAS**, the event has grown, with this year being the 32<sup>nd</sup> year for the Foundation to take kids fishing as part of the Rodeo; and

**WHEREAS**, for the past three decades, the Foundation has taken youth out for a day of fishing during the Rodeo, Destin's oldest tradition; and

**WHEREAS**, The Larry Hatchett Fishing Foundation, a nonprofit, was formed in 1990 after Larry Hatchett, who loved to fish, and often took children fishing with him in the Gulf of Mexico, died of a heart attack at 34; and

**WHEREAS**, The Larry Hatchett Fishing Foundation, was created as a memorial to Larry, who fished all over the world. Larry was from Memphis, Tennessee. His greatest joy, however, was fishing in the gulf; and

**WHEREAS**, Larry called Destin "the capital of his soul." He enjoyed teaching children how to fish as well as seeing their elation when they reeled in their first catch; and

**WHEREAS**, the 32<sup>nd</sup> annual trip is scheduled for October 21-23, 2022 and will include children from foster homes in Florida, Tennessee, and Mississippi; and

**NOW, THEREFORE I**, Gary Jarvis, Mayor, along with the City Council of Destin Florida, do hereby proclaim October 22, 2022 as **Larry Hatchett Fishing Day** in the City of Destin, and encourage all citizens to be part of this special day which reminds us how fortunate we are to live in such a unique "fishing village."

**SO, DONE THIS 17<sup>TH</sup> DAY OF OCTOBER 2022**  
**BY:**

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**Gary Jarvis, Mayor**

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022  
**TYPE OF AGENDA ITEM:** Consent Agenda  
**AGENDA OUTLINE NUMBER:** 3.A.

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**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:** October 3, 2022

**SUBJECT:** Capital Project Status

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**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:**

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:** Not applicable. Informational only.

Attachments:

1. 2022 0930 Capital Projects

**CITY OF DESTIN CAPITAL IMPROVEMENT PLAN - Monthly Status Report**

| COUNCIL/<br>MGMT<br>OBJECTIVE | October 1, 2021 -<br>September 30, 2022    |                                                       | FY2022<br>Budget* | YTD<br>Actuals | YTD<br>Encumbrances | FY2022<br>Available<br>Budget | Status      | Notes                                                                                                                                                                                                                                                                                                    |
|-------------------------------|--------------------------------------------|-------------------------------------------------------|-------------------|----------------|---------------------|-------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>PRIORITY</b>               | <b>Citizen/Council Directed</b>            |                                                       |                   |                |                     |                               |             |                                                                                                                                                                                                                                                                                                          |
| 1.2                           | EN615                                      | Cross-Town Connector                                  | \$ 3,029,931      | \$ 1,397,435   | \$ 308,212          | \$ 1,324,284                  | Ongoing     | Atkins working on stormwater retention pond re-design. Accomplished 3/9 ROW acquisitions.                                                                                                                                                                                                                |
| 1.3, 2.2                      | CM001                                      | Beach Acquisition                                     | 5,457,203         | 172,501        | 61,520              | 5,223,183                     | Ongoing     | TDC working on beach park design. Legal is 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           | 198,878        | 160,035             | 249,716                       | Ongoing     | Survey was ordered and completed. Waiting on a binding cost estimate from FPL.                                                                                                                                                                                                                           |
| 1.8                           | TR621                                      | Transit Trolley                                       | 25,000            | -              | -                   | 25,000                        | In process  | This is being reviewed as part of the mobility study in process with 3TP Ventures.                                                                                                                                                                                                                       |
| 1.9                           | MARIN                                      | City Marina                                           | 75,000            | -              | -                   | 75,000                        | Not Started | Staff need direction on what to research/pursue.                                                                                                                                                                                                                                                         |
| 1.7                           | ANNEX                                      | Annexation Study                                      | 10,000            | -              | -                   | 10,000                        | In process  | Enclave annexation process draft is underway.                                                                                                                                                                                                                                                            |
|                               | <b>Renewal &amp; Replacement</b>           |                                                       |                   |                |                     |                               |             |                                                                                                                                                                                                                                                                                                          |
| 3.2                           | RR051                                      | General Government                                    | 204,752           | 24,129         | 12,293              | 168,330                       | Ongoing     | Renewed wiring at Facilities Maint Bldg; Public Works Dept moved to Facilities Maintenance Building; 2 HVAC units replaced at City Hall Annex.                                                                                                                                                           |
| 3.2                           | RR052                                      | Public Safety                                         | 217,044           | 22,284         | 2,109               | 192,651                       | Ongoing     | Building Dept//replaced transfer switch (emergency mgmt)                                                                                                                                                                                                                                                 |
| 3.2                           | RR053                                      | Physical Environment (Stormwater, Cemetery)           | 295,868           | 300,048        | -                   | (4,180)                       | Ongoing     | Harbor Pump has been rebuilt and re-installed. VFD installed. Mountain Dr Storm sewer pipe section replacements.                                                                                                                                                                                         |
| 1.10, 3.2, 3.7                | RR054                                      | Roads, Sidewalks, Street Lighting<br>(Gas Tax 1 + GF) | 957,727           | 94,642         | 134,812             | 728,272                       | On Hold     | Benning Drive Striping complete; Azalea Dr complete; John & Luke Ave pending (PO issued); Main St/Indian Trail restriping pending council approval. A pavement assessment has been completed. Findings were presented at June 2022 PW/PS committee meeting. 06/30/22: ACCESS TO ASPHALT DELAYED BY FDOT. |
| 3.2                           | RR057                                      | Parks and Recreation                                  | 621,142           | 145,138        | 89,472              | 386,532                       | Ongoing     | Library AC unit replaced; replaced dock decking at Joe's Bayou; replacing a drinking/pet water fountain; replacing com ctr stage; sidewalks were renewed at Library and Morgans; bid request to replace com ctr doors/windows & fix roof leaks.                                                          |
| 3.2                           | RRVEH                                      | Vehicles                                              | 523,044           | 352,003        | 168,812             | 2,229                         | Ongoing     | FY22 vehicles/equipment received Brush Chipper, JD410L Loader and two F150s. Dump Truck ordered, arrival TBD.                                                                                                                                                                                            |
|                               | <b>Growth Necessitated &amp; Comp Plan</b> |                                                       |                   |                |                     |                               |             |                                                                                                                                                                                                                                                                                                          |
|                               | LB002                                      | Library Impact Fee Projects                           | 24,000            | 2,542          | -                   | 21,458                        |             |                                                                                                                                                                                                                                                                                                          |
| 4.10                          | NORG1                                      | Norriego Point Road                                   | 368,370           | 56,269         | 5,231               | 306,870                       | Ongoing     | Council-approved development order. Jenkins (engineer) is working on parking and road design. Developer's contractor will begin work on the roadway this fall in coordination with FDEP.                                                                                                                 |
| 4.14                          | SW54                                       | Stormwater Improvements                               | 60,000            | 14,995         | -                   | 45,005                        |             | Swales constructed on 3rd and 4th streets, Gulf Shore Drive swales (x2) in process.                                                                                                                                                                                                                      |

| COUNCIL/<br>MGMT<br>OBJECTIVE | October 1, 2021 -<br>September 30, 2022 |                                                            | FY2022<br>Budget* | YTD<br>Actuals | YTD<br>Encumbrances | FY2022<br>Available<br>Budget | Status               | Notes                                                                                                                                                                                                                              |
|-------------------------------|-----------------------------------------|------------------------------------------------------------|-------------------|----------------|---------------------|-------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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                       |                      | Will get quotes to pave/consolidated when FDOT is done using this space for Hwy 98 landscaping project. Project budget moved to FY 2023.                                                                                           |
| 3.9                           | TR620                                   | ADA Transition - Pedestrian Facilities                     | 142,000           | 39,540         | 101,104             | 1,356                         | Ongoing              | Phase 2 (prioritization; engineering estimate of costs) underway.                                                                                                                                                                  |
| 1.10                          | TR622                                   | General Parking Improvements (FY22 kiosk)                  | 30,000            | -              | -                   | 30,000                        |                      |                                                                                                                                                                                                                                    |
|                               | <b>Other Capital Projects</b>           |                                                            |                   |                |                     |                               |                      |                                                                                                                                                                                                                                    |
|                               | CE001                                   | Code Compliance Vessel                                     | 41,000            | 7,500          | -                   | 33,500                        | Completed            | Sheriff's office donated a vessel. Code using some of these funds to purchase a trailer for the donated boat. Code Compliance team updating equipment needs list for potential budget transfer.                                    |
| 3.3, 4.7                      | CRH63                                   | Captain Royal Melvin Heritage Park and Plaza (RESTORE)     | 998,815           | 719,616        | 54,613              | 224,586                       | Ongoing              | The estimated completion date for the construction is September 23, 2022. Landscaping projected for October. The park opening may take place in October if the project stays on the current schedule.                              |
| 3.5                           | CRH64                                   | Harbor CRA Wayfinding Plan Signage                         | -                 | -              | -                   | -                             |                      | See 2023 budget.                                                                                                                                                                                                                   |
| 4.2                           | CRH65                                   | Harbor Capacity Study                                      | 250,000           | 250,000        | -                   | -                             | Ongoing              | Contractor procurement is underway for ground surveys and aerial imagery. Estimated completion December 2022.                                                                                                                      |
| 4.15                          | CRT17                                   | Town Center CRA Easement Trail/Linear Park                 | -                 | -              | -                   | -                             |                      | Grant award 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            | 22,266         | -                   | 5,438                         | Complete             | Tablet station is open to public. RFID tagging is complete.                                                                                                                                                                        |
|                               | NPDES                                   | National Pollutant Discharge Elimination System (NPDES)    | 32,500            | 16,250         | 16,250              | -                             | Annual Certification |                                                                                                                                                                                                                                    |
|                               | PW015                                   | Vehicle WashDown Station                                   | -                 | -              | -                   | -                             |                      |                                                                                                                                                                                                                                    |
|                               | RC101                                   | Boardwalk Renewals (at Waterfront Parks)                   | 500,000           | 155,809        | 197,714             | 146,477                       | In Process           | Plaground contractor is working on a design (and quote) to best fit our budget.                                                                                                                                                    |
|                               | RC124                                   | Morgan's Children's Park Playground Structure              | 51,745            | -              | -                   | 51,745                        | In Process           | Plaground contractor is working on a design (and quote) to best fit our budget.                                                                                                                                                    |
|                               | RC125                                   | Buck Destin Restrooms                                      | 135,000           | -              | -                   | 135,000                       | In Process           | Location is chosen. Reviewing modular options. Permits being reviewed. Budget moved to FY 2023.                                                                                                                                    |
| 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.                                                                                                                                                    |
|                               | RC130                                   | Cultural Facilities Grant Bldg Improvements                | -                 | -              | -                   | -                             | Cancelled            | Grant not awarded.                                                                                                                                                                                                                 |

| COUNCIL/<br>MGMT<br>OBJECTIVE | October 1, 2021 -<br>September 30, 2022 |                                           | FY2022<br>Budget*   | YTD<br>Actuals      | YTD<br>Encumbrances | FY2022<br>Available<br>Budget | Status   | Notes                                                                                                                          |
|-------------------------------|-----------------------------------------|-------------------------------------------|---------------------|---------------------|---------------------|-------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------|
| 3.3, 4.11                     | RC216                                   | Clement Taylor Park Renovations           | 764,918             | -                   | -                   | 764,918                       |          | New Construction Project manager will be tasked to draft construction RFP after closeout of Captain Royal Melvin park project. |
|                               | ARP                                     | Infrastructure Project TBD                | 790,000             | 126,093             | 368,979             | 294,928                       | Started  | One IT Security project and one Stormwater project approved to date.                                                           |
|                               | TRSAF                                   | Intersection Safety                       | 100,000             | 17,241              | 69,270              | 13,489                        | 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                   | 57,116              | 57,234              | 622                 | (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 |                                                                                                                                |
| <b>Total Funded Projects</b>  |                                         |                                           | <b>\$17,739,148</b> | <b>\$ 4,391,081</b> | <b>\$ 1,904,642</b> | <b>\$11,443,424</b>           |          |                                                                                                                                |

## CITY OF DESTIN 5-YEAR CAPITAL IMPROVEMENT PLAN

| COUNCIL/<br>MGMT<br>OBJECTIVE |                                            |                                                 | FY 2022      | FY 2023   | FY 2024      | FY 2025      | FY 2026    | Total        |
|-------------------------------|--------------------------------------------|-------------------------------------------------|--------------|-----------|--------------|--------------|------------|--------------|
| <b>PRIORITY</b>               | <b>Citizen/Council Directed</b>            |                                                 |              |           |              |              |            |              |
| 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       |
|                               | <b>Renewal &amp; Replacement</b>           |                                                 |              |           |              |              |            |              |
| 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      |
|                               | <b>Growth Necessitated &amp; Comp Plan</b> |                                                 |              |           |              |              |            |              |
|                               | 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      |
|                               | <b>Other Capital Projects</b>              |                                                 |              |           |              |              |            |              |
|                               | 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              |
| <b>Total Projects</b> |       |                                                 | <b>\$ 16,553,126</b> | <b>\$ 4,144,030</b> | <b>\$ 4,107,030</b> | <b>\$ 4,306,530</b> | <b>\$ 13,161,117</b> | <b>\$ 42,271,832</b> |

| <b>Funding Sources</b> |          |                         | <b>FY 2022</b> | <b>FY 2023</b> | <b>FY 2024</b> | <b>FY 2025</b> | <b>FY 2026</b> | <b>Total</b> |
|------------------------|----------|-------------------------|----------------|----------------|----------------|----------------|----------------|--------------|
| 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            |
| <b>Total Sources</b> |          |                        | <b>\$ 16,553,126</b> | <b>\$ 4,144,030</b> | <b>\$ 4,107,030</b> | <b>\$ 4,306,530</b> | <b>\$ 13,161,117</b> | <b>\$ 42,271,832</b> |

\*30558500 GF CIP PROJECTS includes General Fund excess cash balances

|                               |                                                                                                | 5-Year Capital Budget<br>Amount |
|-------------------------------|------------------------------------------------------------------------------------------------|---------------------------------|
| <b>Council Objectives</b>     |                                                                                                |                                 |
| 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                                                  | -                               |
| <b>Management Objectives</b>  |                                                                                                |                                 |
| 2.1-2.8                       | These are management-related, not capital project related                                      | -                               |
| <b>Management in Progress</b> |                                                                                                |                                 |
| 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                                                            | -                               |
| <b>Major Projects</b>         |                                                                                                |                                 |
| 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:** October 17, 2022  
**TYPE OF AGENDA ITEM:** Consent Agenda  
**AGENDA OUTLINE NUMBER:** 3.B.

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**TO:** City Council

**THRU:** Webb Warren, Deputy City Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Krystal Strickland, Finance Director

**DATE:** October 3, 2022

**SUBJECT:** Operations Financial Report

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**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 08/31/2022:

- \*We are 92% of the way through the fiscal year
- \* 102% of Ad Valorem Taxes have been received/recorded
- \* We have expended approximately 74% of Operating budget
- \* We have expended approximately 39% of Capital Outlay budget
- \*Current net change in total fund balance is a year-to-date increase of \$5.8 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:**

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:**

Attachments:

1. 2022 0831 YTD Budget Vs Actual

City of Destin, Florida

Balance Sheet - Governmental Funds

|                                                                     | 01, 700              | 102                                           | 110                        | 111                              | 122, 125, 129                  | 209, 213,<br>214, 221 | 300, 305, 315            | 2022                           |
|---------------------------------------------------------------------|----------------------|-----------------------------------------------|----------------------------|----------------------------------|--------------------------------|-----------------------|--------------------------|--------------------------------|
| <i>Period ended July 31,</i>                                        |                      |                                               |                            |                                  |                                |                       |                          |                                |
|                                                                     | General<br>Fund      | 1998-2028<br>or to 2037<br>Town Center<br>CRA | 2003-2043<br>Harbor<br>CRA | Florida<br>Building<br>Code Fund | Other Special<br>Revenue Funds | Debt Service<br>Funds | Capital Project<br>Funds | Total<br>Governmental<br>Funds |
| <b>Assets</b>                                                       |                      |                                               |                            |                                  |                                |                       |                          |                                |
| Cash and cash equivalents                                           | \$ 8,992,124         | \$ 859,934                                    | \$ -                       | \$ -                             | \$ 5,051,008                   | \$ -                  | \$ 2,383,907             | \$ 17,286,973                  |
| Investments                                                         | 16,258,460           | -                                             | -                          | -                                | -                              | -                     | -                        | 16,258,460                     |
| Due from other funds                                                | 1,351,705            | -                                             | -                          | -                                | -                              | -                     | -                        | 1,351,705                      |
| Due from other governments                                          | 756                  | -                                             | -                          | -                                | -                              | -                     | 1,471,398                | 1,472,154                      |
| Advance to other funds                                              | 2,448,824            | -                                             | -                          | -                                | -                              | -                     | -                        | 2,448,824                      |
| Accounts receivable - other                                         | 193,032              | -                                             | -                          | -                                | 165,286                        | -                     | -                        | 358,318                        |
| Prepaid expenditures                                                | 170,278              | -                                             | -                          | -                                | -                              | -                     | -                        | 170,278                        |
| Restricted cash and cash equivalents                                | -                    | -                                             | 518,376                    | 444,839                          | -                              | 232,718               | 5,329,752                | 6,525,685                      |
| <b>Total assets</b>                                                 | <b>\$ 29,415,179</b> | <b>\$ 859,934</b>                             | <b>\$ 518,376</b>          | <b>\$ 444,839</b>                | <b>\$ 5,216,294</b>            | <b>\$ 232,718</b>     | <b>\$ 9,185,057</b>      | <b>\$ 45,872,398</b>           |
| <b>Liabilities, deferred inflows of resources and fund balances</b> |                      |                                               |                            |                                  |                                |                       |                          |                                |
| Liabilities:                                                        |                      |                                               |                            |                                  |                                |                       |                          |                                |
| Accounts payable                                                    | 234,105              | 6,088                                         | 1,902                      | 3,232                            | 21,532                         | -                     | 680,894                  | 947,753                        |
| Accrued payroll                                                     | 454                  | -                                             | -                          | -                                | -                              | -                     | -                        | 454                            |
| Due to other funds                                                  | -                    | -                                             | -                          | -                                | -                              | -                     | 1,351,705                | 1,351,705                      |
| Advance from other funds                                            | -                    | 2,448,824                                     | -                          | -                                | -                              | -                     | -                        | 2,448,824                      |
| <b>Total liabilities</b>                                            | <b>234,559</b>       | <b>2,454,911</b>                              | <b>1,902</b>               | <b>3,232</b>                     | <b>21,532</b>                  | <b>-</b>              | <b>2,032,599</b>         | <b>4,748,736</b>               |
| Deferred inflows of resources                                       |                      |                                               |                            |                                  |                                |                       |                          |                                |
| Deferred revenue                                                    | 262,290              | -                                             | -                          | -                                | -                              | -                     | 1,566,985                | 1,829,275                      |
| <b>Total deferred inflows of resources</b>                          | <b>262,290</b>       | <b>-</b>                                      | <b>-</b>                   | <b>-</b>                         | <b>-</b>                       | <b>-</b>              | <b>1,566,985</b>         | <b>1,829,275</b>               |
| <b>Fund balances:</b>                                               |                      |                                               |                            |                                  |                                |                       |                          |                                |
| Nonspendable                                                        | 2,561,840            | -                                             | -                          | -                                | -                              | -                     | -                        | 2,561,840                      |
| Restricted                                                          | -                    | -                                             | 453,191                    | 439,548                          | -                              | 232,718               | 2,218,285                | 3,343,742                      |
| Committed                                                           | 10,084,733           | -                                             | -                          | -                                | 4,971,657                      | -                     | 1,036,945                | 16,093,336                     |
| Assigned                                                            | 740,558              | 71,367                                        | 63,283                     | 2,059                            | 223,105                        | -                     | 2,330,242                | 3,430,614                      |
| Unassigned                                                          | 15,531,199           | (1,666,344)                                   | -                          | -                                | -                              | -                     | -                        | 13,864,855                     |
| <b>Total fund balances (deficit)</b>                                | <b>28,918,330</b>    | <b>(1,594,977)</b>                            | <b>516,474</b>             | <b>441,607</b>                   | <b>5,194,762</b>               | <b>232,718</b>        | <b>5,585,473</b>         | <b>39,294,387</b>              |
| Total liabilities, deferred inflows of resources and fund balances  | \$ 29,415,179        | \$ 859,934                                    | \$ 518,376                 | \$ 444,839                       | \$ 5,216,294                   | \$ 232,718            | \$ 9,185,057             | \$ 45,872,398                  |
|                                                                     | \$ -                 | \$ -                                          | \$ -                       | \$ -                             | \$ -                           | \$ -                  | \$ -                     | \$ -                           |

**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**

Actuals 10/01/2021 - 08/31/2022

| SUMMARY ALL FUNDS                                        | FY2022<br>BUDGET   | FY2022<br>YTD Actuals | FY2022<br>ENCUMBRANCES | FY2022<br>PROJECTION | FY2022<br>AVAILABLE<br>BUDGET |
|----------------------------------------------------------|--------------------|-----------------------|------------------------|----------------------|-------------------------------|
| Ad Valorem Taxes                                         | \$ 9,333,671       | \$ 9,481,820          |                        | \$ 9,489,081         | \$ (148,149)                  |
| Tax Increment Financing (TIF)                            | 1,310,929          | 1,313,239             |                        | 1,313,239            | (2,310)                       |
| Delinquent Ad Valorem Taxes                              | 5,000              | (759)                 |                        | (342)                | 5,759                         |
| Sales and Use Taxes                                      | 3,230,855          | 3,158,661             |                        | 3,469,212            | 72,194                        |
| Licenses and Permits                                     | 3,463,479          | 4,558,229             |                        | 5,305,181            | (1,094,750)                   |
| Impact Fees                                              | 115,500            | 103,387               |                        | 113,012              | 12,113                        |
| Intergovernmental                                        | 10,062,078         | 4,820,004             |                        | 6,743,236            | 5,242,074                     |
| Charges for services                                     | 749,898            | 1,225,605             |                        | 1,273,729            | (475,707)                     |
| Fines and Forfeitures                                    | 59,957             | 56,413                |                        | 59,853               | 3,544                         |
| Investment Income                                        | 60,120             | (859,770)             |                        | (858,835)            | 919,890                       |
| Contributions                                            | 32,500             | 35,974                |                        | 38,714               | (3,474)                       |
| Miscellaneous income                                     | 2,701              | 30,437                |                        | 30,524               | (27,736)                      |
| <b>TOTAL REVENUES</b>                                    | <b>28,426,688</b>  | <b>23,923,240</b>     | <b>-</b>               | <b>26,976,603</b>    | <b>4,503,448</b>              |
|                                                          | 28,426,688         | 23,923,240            | -                      | 26,976,603           | 4,503,448                     |
| General Government                                       | 4,347,731          | 3,162,178             | 324,619                | 3,770,234            | 860,934                       |
| Public Safety                                            | 4,532,131          | 3,555,008             | 234,700                | 3,957,131            | 742,423                       |
| Physical Environment                                     | 199,073            | 129,406               | 3,512                  | 153,358              | 66,155                        |
| Transportation                                           | 1,936,628          | 1,488,364             | 11,812                 | 1,647,507            | 436,453                       |
| Economic Environment                                     | 325,636            | 114,451               | 134,650                | 263,024              | 76,535                        |
| Health & Human Services                                  | 101,254            | 47,772                | 4,581                  | 52,879               | 48,900                        |
| Culture and Recreation                                   | 3,724,499          | 2,895,309             | 44,692                 | 3,348,609            | 784,498                       |
| Capital Outlay                                           | 16,833,333         | 4,183,109             | 2,377,629              | 7,722,936            | 10,272,595                    |
| Debt Service                                             | 2,669,656          | 2,569,172             | -                      | 2,677,156            | 100,484                       |
| <b>TOTAL EXPENDITURES</b>                                | <b>34,669,941</b>  | <b>18,144,768</b>     | <b>3,136,196</b>       | <b>23,592,834</b>    | <b>13,388,977</b>             |
|                                                          | 34,669,941         | 18,144,768            | 3,136,196              | 23,592,834           | 13,388,977                    |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>(6,243,253)</b> | <b>5,778,472</b>      |                        | <b>3,383,770</b>     |                               |
| Proceeds from issuance of debt                           | -                  | -                     | -                      | -                    | -                             |
| Transfers In                                             | 6,149,019          | 4,413,496             | -                      | 5,413,002            | 1,735,523                     |
| Transfers Out                                            | (6,150,854)        | (4,413,496)           | -                      | (4,681,312)          | (1,737,358)                   |
| <b>Total other financing sources (uses)</b>              | <b>(1,835)</b>     | <b>(0)</b>            | <b>-</b>               | <b>731,690</b>       | <b>(1,835)</b>                |
| Net change in fund balances                              | (6,245,088)        | 5,778,472             |                        | 4,115,459            |                               |
| Fund Balance, Beginning                                  | 33,515,914         | 33,515,914            |                        | 33,515,914           |                               |
| Fund Balance, Ending                                     | 27,270,826         | <b>39,294,387</b>     |                        | 37,631,373           |                               |

\* FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

| <b>FUND BALANCE SUMMARY<br/>ALL FUNDS</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>PROJECTION</b> |
|-------------------------------------------|--------------------------|-------------------------------|------------------------------|
| Nonspendable                              | 2,448,824                | 2,561,840                     | 2,561,840                    |
| Restricted                                | 2,467,004                | 3,343,742                     | 4,885,315                    |
| Committed                                 | 11,930,294               | 16,093,336                    | 14,924,345                   |
| Assigned                                  | 1,000,000                | 3,430,614                     | 1,000,000                    |
| <i>Unassigned</i>                         | <i>9,867,547</i>         | <i>13,864,855</i>             | <i>14,259,872</i>            |
| <b>Ending Fund Balance</b>                | <b>27,270,826</b>        | <b>39,294,387</b>             | <b>37,631,373</b>            |



|                                                          | FY2022             | FY2022             | FY2022         | FY2022             | FY2022             |
|----------------------------------------------------------|--------------------|--------------------|----------------|--------------------|--------------------|
| 01 GENERAL FUND                                          | BUDGET             | YTD Actuals        | ENCUMBRANCES   | PROJECTION         | AVAILABLE BUDGET   |
| 01-31 Ad Valorem Taxes                                   | 8,574,910          | 8,723,059          |                | 8,730,320          | (148,149)          |
| 01-31 Delinquent Ad Valorem Taxes                        | 5,000              | (759)              |                | (342)              | 5,759              |
| 01-31 Sales and Use Taxes                                | 1,608,694          | 1,411,805          |                | 1,528,694          | 196,889            |
| 01-32 Licenses and Permits                               | 2,826,871          | 2,978,238          |                | 3,469,717          | (151,367)          |
| 01-32 Impact Fees                                        | -                  | -                  |                | -                  | -                  |
| 01-33 Intergovernmental                                  | 2,763,870          | 2,973,046          |                | 3,414,759          | (209,176)          |
| 01-34 Charges for Services                               | 331,398            | 832,090            |                | 851,044            | (500,692)          |
| 01-35 Fines and Forfeitures                              | 59,957             | 56,413             |                | 59,853             | 3,544              |
| 01-36 Investment Income                                  | 58,084             | (871,140)          |                | (870,412)          | 929,224            |
| 01-36 Contributions                                      | 2,500              | 8,714              |                | 8,714              | (6,214)            |
| 01-36 Miscellaneous Revenue                              | 2,201              | 25,237             |                | 25,283             | (23,036)           |
| <b>TOTAL REVENUES</b>                                    | <b>16,233,485</b>  | <b>16,136,703</b>  | <b>-</b>       | <b>17,217,630</b>  | <b>96,782</b>      |
| 01-51 General Government                                 | 4,347,731          | 3,162,178          | 324,619        | 3,770,234          | 860,934            |
| 01-52 Public Safety                                      | 3,251,454          | 2,851,845          | 232,641        | 3,161,630          | 166,967            |
| 01-53 Physical Environment                               | 199,073            | 129,406            | 3,512          | 153,358            | 66,155             |
| 01-54 Transportation                                     | 1,849,128          | 1,416,686          | 11,812         | 1,569,693          | 420,631            |
| 01-55 Economic Environment                               | 14,200             | 14,452             | -              | 18,065             | (252)              |
| 01-56 Health & Human Services                            | 101,254            | 47,772             | 4,581          | 52,879             | 48,900             |
| 01-57 Culture and Recreation                             | 3,724,499          | 2,895,309          | 44,692         | 3,348,609          | 784,498            |
| 01-59 Capital Outlay                                     | 109,250            | 42,036             | 130,000        | 176,482            | (62,786)           |
| 01-59 Debt Service Principal                             | 78,405             | 83,020             | -              | 83,310             | (4,615)            |
| 01-59 Debt Service Interest                              | 2,511              | 5,397              | -              | 5,106              | (2,886)            |
| <b>TOTAL EXPENDITURES</b>                                | <b>13,677,505</b>  | <b>10,648,101</b>  | <b>751,858</b> | <b>12,339,366</b>  | <b>2,277,546</b>   |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>2,555,980</b>   | <b>5,488,602</b>   |                | <b>4,878,263</b>   |                    |
| 01-38 Proceeds from Issuance of Debt                     | -                  | -                  |                | -                  | -                  |
| 01-38 Transfers In                                       | -                  | -                  |                | -                  | -                  |
| 01-58 Transfers Out                                      | (4,522,085)        | (2,889,707)        |                | (3,020,445)        | (1,632,378)        |
| <b>Total other financing sources (uses)</b>              | <b>(4,522,085)</b> | <b>(2,889,707)</b> |                | <b>(3,020,445)</b> | <b>(1,632,378)</b> |
| 01 Net change in fund balances                           | (1,966,105)        | 2,598,895          |                | 1,857,818          |                    |
| 01 Fund Balance (deficit), Beginning                     | 26,319,436         | 26,319,436         |                | 26,319,436         |                    |
| 01 Fund Balance (deficit), Ending                        | 24,353,331         | 28,918,331         |                | 28,177,254         |                    |

\* FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward

| <b>102 TOWN CENTER CRA<br/>1998-2028 OR until Debt Paid 2037<br/>(RESTRICTED; ECON DEV)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|---------------------------------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 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                    | 800                           |                                | 920                          | 501                                    |
| <b>TOTAL REVENUES</b>                                                                       | <b>1,358,373</b>         | <b>1,360,969</b>              |                                | <b>1,361,089</b>             | <b>(2,596)</b>                         |
| 102-55 Economic Environment                                                                 | 153,257                  | 69,033                        | 71,367                         | 141,944                      | 12,858                                 |
| 102-59 Capital Outlay                                                                       | -                        | -                             | -                              | -                            | -                                      |
| <b>TOTAL EXPENDITURES</b>                                                                   | <b>153,257</b>           | <b>69,033</b>                 | <b>71,367</b>                  | <b>141,944</b>               | <b>12,858</b>                          |
| <b>Excess (deficiency) of revenues over expenditures</b>                                    | <b>1,205,116</b>         | <b>1,291,937</b>              |                                | <b>1,219,145</b>             |                                        |
| 102-38 Transfers In                                                                         | -                        | -                             |                                | -                            | -                                      |
| 102-58 Transfers Out                                                                        | (731,418)                | (670,520)                     |                                | (731,472)                    | (60,898)                               |
| <b>Total other financing sources (uses)</b>                                                 | <b>(731,418)</b>         | <b>(670,520)</b>              |                                | <b>(731,472)</b>             | <b>(60,898)</b>                        |
| 102 Net change in fund balances                                                             | 473,698                  | 621,417                       |                                | 487,673                      |                                        |
| 102 Fund Balance (deficit), Beginning                                                       | (2,216,394)              | (2,216,394)                   |                                | (2,216,394)                  |                                        |
| 102 Fund Balance (deficit), Ending                                                          | (1,742,696)              | (1,594,977)                   |                                | (1,728,721)                  |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>110 HARBOR CRA<br/>2003-2043<br/>(RESTRICTED; ECON DEV)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|----------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 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                      | 528                           |                                | 553                          | (228)                                  |
| <b>TOTAL REVENUES</b>                                          | <b>712,918</b>           | <b>712,359</b>                |                                | <b>712,384</b>               | <b>559</b>                             |
| 110-55 Economic Environment                                    | 158,179                  | 30,966                        | 63,283                         | 103,014                      | 63,930                                 |
| 110-59 Capital Outlay                                          | -                        | -                             | -                              | -                            | -                                      |
| <b>TOTAL EXPENDITURES</b>                                      | <b>158,179</b>           | <b>30,966</b>                 | <b>63,283</b>                  | <b>103,014</b>               | <b>63,930</b>                          |
| <b>Excess (deficiency) of revenues over expenditures</b>       | <b>554,739</b>           | <b>681,393</b>                |                                | <b>609,370</b>               |                                        |
| 110-38 Transfers In                                            | -                        | -                             |                                | -                            | -                                      |
| 110-58 Transfers Out                                           | (481,057)                | (441,162)                     |                                | (481,057)                    | (39,895)                               |
| <b>Total other financing sources (uses)</b>                    | <b>(481,057)</b>         | <b>(441,162)</b>              |                                | <b>(481,057)</b>             | <b>(39,895)</b>                        |
| 110 Net change in fund balances                                | 73,682                   | 240,230                       |                                | 128,312                      |                                        |
| 110 Fund Balance (deficit), Beginning                          | 276,242                  | 276,242                       |                                | 276,242                      |                                        |
| 110 Fund Balance (deficit), Ending                             | 349,924                  | 516,472                       |                                | 404,554                      |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>111 FLORIDA BUILDING CODE FUND<br/>(RESTRICTED; PUBLIC SAFETY)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|-----------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 111-32 Licenses and Permits                                           | 636,608                  | 887,425                       |                                | 957,090                      | (250,817)                              |
| 111-36 Investment Income                                              | 60                       | 41                            |                                | 46                           | 19                                     |
| <b>TOTAL REVENUES</b>                                                 | <b>636,668</b>           | <b>887,465</b>                |                                | <b>957,135</b>               | <b>(250,797)</b>                       |
| 111-52 Public Safety                                                  | 1,153,178                | 668,302                       | 2,059                          | 760,641                      | 482,816                                |
| 111-59 Capital Outlay                                                 | -                        | -                             | -                              | -                            | -                                      |
| <b>TOTAL EXPENDITURES</b>                                             | <b>1,153,178</b>         | <b>668,302</b>                | <b>2,059</b>                   | <b>760,641</b>               | <b>482,816</b>                         |
| <b>Excess (deficiency) of revenues over expenditures</b>              | <b>(516,510)</b>         | <b>219,163</b>                |                                | <b>196,494</b>               |                                        |
| 111-38 Transfers In                                                   | 328,507                  | -                             |                                | -                            | 328,507                                |
| 111-58 Transfers Out                                                  | (63,210)                 | (88,306)                      |                                | (95,253)                     | 25,096                                 |
| <b>Total other financing sources (uses)</b>                           | <b>265,297</b>           | <b>(88,306)</b>               |                                | <b>(95,253)</b>              | <b>353,603</b>                         |
| 111 Net change in fund balances                                       | (251,213)                | 130,857                       |                                | 101,241                      |                                        |
| 111 Fund Balance (deficit), Beginning                                 | 310,750                  | 310,750                       |                                | 310,750                      |                                        |
| 111 Fund Balance (deficit), Ending                                    | 59,537                   | 441,607                       |                                | 411,991                      |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>122 PARKING FUND (COMMITTED;<br/>TRANSPORTATION)</b>  | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|----------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 122-34 Charges for Services                              | 418,500                  | 393,516                       |                                | 422,685                      | 24,984                                 |
| 122-36 Investment Income                                 | 25                       | 52                            |                                | 54                           | (27)                                   |
| <b>TOTAL REVENUES</b>                                    | <b>418,525</b>           | <b>393,568</b>                |                                | <b>422,739</b>               | <b>24,957</b>                          |
| 122-54 Transportation                                    | 87,500                   | 71,678                        | -                              | 77,814                       | 15,822                                 |
| 122-59 Capital Outlay                                    | 126,000                  | -                             | 4,426                          | 4,426                        | 121,574                                |
| <b>TOTAL EXPENDITURES</b>                                | <b>213,500</b>           | <b>71,678</b>                 | <b>4,426</b>                   | <b>82,240</b>                | <b>137,396</b>                         |
| <b>Excess (deficiency) of revenues over expenditures</b> | <b>205,025</b>           | <b>321,890</b>                |                                | <b>340,499</b>               | <b>(112,439)</b>                       |
| 122-38 Transfers In                                      | -                        | -                             |                                | -                            | -                                      |
| 122-58 Transfers Out                                     | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>              | <b>-</b>                 | <b>-</b>                      |                                | <b>-</b>                     | <b>-</b>                               |
| 122 Net change in fund balances                          | 205,025                  | 321,890                       |                                | 340,499                      |                                        |
| 122 Fund Balance (deficit), Beginning                    | -                        | -                             |                                | -                            |                                        |
| 122 Fund Balance (deficit), Ending                       | 205,025                  | 321,890                       |                                | 340,499                      |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>125 TECH FUND (COMMITTED;<br/>PUBLIC SAFETY)</b>          | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|--------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 125-36 Investment Income                                     | -                        | 235                           |                                | 260                          | (235)                                  |
| <b>TOTAL REVENUES</b>                                        | <b>-</b>                 | <b>235</b>                    |                                | <b>260</b>                   | <b>(235)</b>                           |
| 125-52 Public Safety                                         | 127,500                  | 34,860                        | -                              | 34,860                       | 92,640                                 |
| 125-59 Capital Outlay                                        | -                        | -                             | -                              | -                            | -                                      |
| <b>TOTAL EXPENDITURES</b>                                    | <b>127,500</b>           | <b>34,860</b>                 | <b>-</b>                       | <b>34,860</b>                | <b>92,640</b>                          |
| <b>Excess (deficiency) of revenues over<br/>expenditures</b> | <b>(127,500)</b>         | <b>(34,625)</b>               |                                | <b>(34,600)</b>              |                                        |
| 125-38 Transfers In                                          | 139,982                  | 172,868                       |                                | 182,910                      | (32,886)                               |
| 125-58 Transfers Out                                         | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>                  | <b>139,982</b>           | <b>172,868</b>                |                                | <b>182,910</b>               | <b>(32,886)</b>                        |
| 125 Net change in fund balances                              | 12,482                   | 138,243                       |                                | 148,310                      |                                        |
| 125 Fund Balance (deficit), Beginning                        | 201,407                  | 201,407                       |                                | 201,407                      |                                        |
| 125 Fund Balance (deficit), Ending                           | 213,889                  | 339,650                       |                                | 349,717                      |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>129 OKA 1/2 PENNY<br/>01/01/2019-12/31/2029<br/>(COMMITTED;<br/>CAPITAL OUTLAYS)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|-----------------------------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 129-31 Sales and Use Taxes                                                              | 1,390,761                | 1,518,460                     |                                | 1,692,840                    | (127,699)                              |
| 129-36 Investment Income                                                                | 150                      | 3,732                         |                                | 3,744                        | (3,582)                                |
| <b>TOTAL REVENUES</b>                                                                   | <b>1,390,911</b>         | <b>1,522,192</b>              |                                | <b>1,696,584</b>             | <b>(131,281)</b>                       |
| 129-59 Capital Outlay                                                                   | 3,324,756                | 244,630                       | 223,105                        | 482,735                      | 2,857,022                              |
| <b>TOTAL EXPENDITURES</b>                                                               | <b>3,324,756</b>         | <b>244,630</b>                | <b>223,105</b>                 | <b>482,735</b>               | <b>2,857,022</b>                       |
| <b>Excess (deficiency) of revenues over<br/>expenditures</b>                            | <b>(1,933,845)</b>       | <b>1,277,563</b>              |                                | <b>1,213,850</b>             |                                        |
| 129-38 Transfers In                                                                     | -                        | -                             |                                | -                            | -                                      |
| 129-58 Transfers Out                                                                    | (353,084)                | (323,802)                     |                                | (353,084)                    | (29,282)                               |
| <b>Total other financing sources (uses)</b>                                             | <b>(353,084)</b>         | <b>(323,802)</b>              |                                | <b>(353,084)</b>             | <b>(29,282)</b>                        |
| 129 Net change in fund balances                                                         | (2,286,929)              | 953,761                       |                                | 860,765                      |                                        |
| 129 Fund Balance (deficit), Beginning                                                   | 3,579,461                | 3,579,461                     |                                | 3,579,461                    |                                        |
| 129 Fund Balance (deficit), Ending                                                      | 1,292,532                | 4,533,222                     |                                | 4,440,226                    |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>213 DEBT SERVICE 2013 NOTE<br/>(RESTRICTED; DEBT SERVICE)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 213-36 Investment Income                                         | 100                      | 266                           |                                | 275                          | (166)                                  |
| <b>TOTAL REVENUES</b>                                            | <b>100</b>               | <b>266</b>                    |                                | <b>275</b>                   | <b>(166)</b>                           |
| 213-59 Debt Service Principal                                    | 412,531                  | 412,531                       | -                              | 412,531                      | -                                      |
| 213-59 Debt Service Interest                                     | 142,713                  | 142,713                       | -                              | 142,713                      | 0                                      |
| <b>TOTAL EXPENDITURES</b>                                        | <b>555,245</b>           | <b>555,245</b>                | <b>-</b>                       | <b>555,245</b>               | <b>0</b>                               |
| <b>Excess (deficiency) of revenues over expenditures</b>         | <b>(555,145)</b>         | <b>(554,978)</b>              |                                | <b>(554,970)</b>             |                                        |
| 213-38 Transfers In                                              | 555,245                  | 509,041                       |                                | 555,311                      | 46,204                                 |
| 213-58 Transfers Out                                             | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>                      | <b>555,245</b>           | <b>509,041</b>                |                                | <b>555,311</b>               | <b>46,204</b>                          |
| 213 Net change in fund balances                                  | 100                      | (45,937)                      |                                | 342                          |                                        |
| 213 Fund Balance (deficit), Beginning                            | 93,097                   | 93,097                        |                                | 93,097                       |                                        |
| 213 Fund Balance (deficit), Ending                               | 93,197                   | 47,160                        |                                | 93,439                       |                                        |

| <b>214 DEBT SERVICE 2014 NOTE<br/>(RESTRICTED; DEBT SERVICE)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 214-36 Investment Income                                         | 100                      | 315                           |                                | 324                          | (215)                                  |
| <b>TOTAL REVENUES</b>                                            | <b>100</b>               | <b>315</b>                    |                                | <b>324</b>                   | <b>(215)</b>                           |
| 214-59 Debt Service Principal                                    | 427,021                  | 427,021                       | -                              | 427,021                      | -                                      |
| 214-59 Debt Service Interest                                     | 304,397                  | 304,397                       | -                              | 304,397                      | -                                      |
| <b>TOTAL EXPENDITURES</b>                                        | <b>731,418</b>           | <b>731,418</b>                | <b>-</b>                       | <b>731,418</b>               | <b>-</b>                               |
| <b>Excess (deficiency) of revenues over expenditures</b>         | <b>(731,318)</b>         | <b>(731,103)</b>              |                                | <b>(731,094)</b>             |                                        |
| 214-38 Transfers In                                              | 731,418                  | 670,520                       |                                | 731,472                      | 60,898                                 |
| 214-58 Transfers Out                                             | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>                      | <b>731,418</b>           | <b>670,520</b>                |                                | <b>731,472</b>               | <b>60,898</b>                          |
| 214 Net change in fund balances                                  | 100                      | (60,583)                      |                                | 377                          |                                        |
| 214 Fund Balance (deficit), Beginning                            | 245,566                  | 245,566                       |                                | 245,566                      |                                        |
| 214 Fund Balance (deficit), Ending                               | 245,666                  | 184,983                       |                                | 245,943                      |                                        |

| <b>221 DEBT SERVICE 2021 NOTE<br/>(RESTRICTED; DEBT SERVICE)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 221-36 Investment Income                                         | -                        | 38                            |                                | 38                           | (38)                                   |
| <b>TOTAL REVENUES</b>                                            | <b>-</b>                 | <b>38</b>                     |                                | <b>38</b>                    | <b>(38)</b>                            |
| 221-59 Debt Service Principal                                    | 1,200,000                | 1,100,000                     | -                              | 1,200,000                    | 100,000                                |
| 221-59 Debt Service Interest                                     | 102,077                  | 94,093                        | -                              | 102,077                      | 7,984                                  |
| 221-51 General Government                                        | -                        | -                             | -                              | -                            | -                                      |
| <b>TOTAL EXPENDITURES</b>                                        | <b>1,302,077</b>         | <b>1,194,093</b>              | <b>-</b>                       | <b>1,302,077</b>             | <b>107,984</b>                         |
| <b>Excess (deficiency) of revenues over expenditures</b>         | <b>(1,302,077)</b>       | <b>(1,194,055)</b>            |                                | <b>(1,302,039)</b>           |                                        |
| 221-38 Transfers In                                              | 1,302,077                | 1,194,093                     |                                | 1,302,077                    | 107,984                                |
| 221-58 Transfers Out                                             | -                        | -                             |                                | -                            | -                                      |
| 221-38 Proceeds from issuance of debt                            | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>                      | <b>1,302,077</b>         | <b>1,194,093</b>              |                                | <b>1,302,077</b>             | <b>107,984</b>                         |
| 221 Net change in fund balances                                  | -                        | 38                            |                                | 38                           |                                        |
| 221 Fund Balance (deficit), Beginning                            | 537                      | 537                           |                                | 537                          |                                        |
| 221 Fund Balance (deficit), Ending                               | 537                      | 575                           |                                | 575                          |                                        |

| <b>300 RENEWAL AND REPLACEMENT<br/>FUND<br/>(COMMITTED; CAPITAL OUTLAYS)</b> | <b>FY2022<br/>BUDGET</b> | <b>FY2022<br/>YTD Actuals</b> | <b>FY2022<br/>ENCUMBRANCES</b> | <b>FY2022<br/>PROJECTION</b> | <b>FY2022<br/>AVAILABLE<br/>BUDGET</b> |
|------------------------------------------------------------------------------|--------------------------|-------------------------------|--------------------------------|------------------------------|----------------------------------------|
| 300-36 Investment Income                                                     | -                        | 2,045                         |                                | 2,045                        | (2,045)                                |
| <b>TOTAL REVENUES</b>                                                        | <b>-</b>                 | <b>2,045</b>                  |                                | <b>2,045</b>                 | <b>(2,045)</b>                         |
| 300-59 Capital Outlay                                                        | 2,723,577                | 910,287                       | 864,281                        | 1,774,568                    | 949,009                                |
| <b>TOTAL EXPENDITURES</b>                                                    | <b>2,723,577</b>         | <b>910,287</b>                | <b>864,281</b>                 | <b>1,774,568</b>             | <b>949,009</b>                         |
| <b>Excess (deficiency) of revenues over expenditures</b>                     | <b>(2,723,577)</b>       | <b>(908,242)</b>              |                                | <b>(1,772,523)</b>           |                                        |
| 300-38 Transfers In                                                          | 1,410,814                | 1,406,508                     |                                | 1,449,076                    | 4,306                                  |
| 300-58 Transfers Out                                                         | -                        | -                             |                                | -                            | -                                      |
| <b>Total other financing sources (uses)</b>                                  | <b>1,410,814</b>         | <b>1,406,508</b>              |                                | <b>1,449,076</b>             | <b>4,306</b>                           |
| 300 Net change in fund balances                                              | (1,312,763)              | 498,266                       |                                | (323,447)                    |                                        |
| 300 Fund Balance (deficit), Beginning                                        | 1,402,960                | 1,402,960                     |                                | 1,402,960                    |                                        |
| 300 Fund Balance (deficit), Ending                                           | 90,197                   | 1,901,226                     |                                | 1,079,513                    |                                        |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>305 GRANT AND GF CAPITAL PROJECT FUND (RESTRICTED; CAPITAL OUTLAYS)</b> | <b>FY2022 BUDGET</b> | <b>FY2022 YTD Actuals</b> | <b>FY2022 ENCUMBRANCES</b> | <b>FY2022 PROJECTION</b> | <b>FY2022 AVAILABLE BUDGET</b> |
|----------------------------------------------------------------------------|----------------------|---------------------------|----------------------------|--------------------------|--------------------------------|
| 305-33 Intergovernmental                                                   | 7,298,208            | 1,846,958                 |                            | 3,328,476                | 5,451,249                      |
| 305-36 Contributions                                                       | 30,000               | 27,260                    |                            | 30,000                   | 2,741                          |
| <b>TOTAL REVENUES</b>                                                      | <b>7,328,208</b>     | <b>1,874,218</b>          |                            | <b>3,358,476</b>         | <b>5,453,990</b>               |
| 305-59 Capital Outlay                                                      | 9,009,184            | 2,496,241                 | 984,323                    | 4,463,061                | 5,528,621                      |
| <b>TOTAL EXPENDITURES</b>                                                  | <b>9,009,184</b>     | <b>2,496,241</b>          | <b>984,323</b>             | <b>4,463,061</b>         | <b>5,528,621</b>               |
| <b>Excess (deficiency) of revenues over expenditures</b>                   | <b>(1,680,977)</b>   | <b>(622,023)</b>          |                            | <b>(1,104,585)</b>       |                                |
| 305-38 Transfers In                                                        | 1,680,976            | 460,466                   |                            | 1,192,156                | 1,220,510                      |
| 305-58 Transfers Out                                                       | -                    | -                         |                            | -                        | -                              |
| <b>Total other financing sources (uses)</b>                                | <b>1,680,976</b>     | <b>460,466</b>            |                            | <b>1,192,156</b>         | <b>1,220,510</b>               |
| 305 Net change in fund balances                                            | (1)                  | (161,557)                 |                            | 87,570                   |                                |
| 305 Fund Balance (deficit), Beginning                                      | (0)                  | (0)                       |                            | (1)                      |                                |
| 305 Fund Balance (deficit), Ending                                         | (1)                  | (161,558)                 |                            | 87,569                   |                                |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

| <b>315 IMPACT AND OTHER RESTRICTED FUND (RESTRICTED IN GF; CAPITAL OUTLAYS)</b> | <b>FY2022 BUDGET</b> | <b>FY2022 YTD Actuals</b> | <b>FY2022 ENCUMBRANCES</b> | <b>FY2022 PROJECTION</b> | <b>FY2022 AVAILABLE BUDGET</b> |
|---------------------------------------------------------------------------------|----------------------|---------------------------|----------------------------|--------------------------|--------------------------------|
| 315-32 Impact Fees                                                              | 115,500              | 103,387                   |                            | 113,012                  | 12,113                         |
| 315-32 Licenses and Permits                                                     | -                    | 692,566                   |                            | 878,374                  | (692,566)                      |
| 315-31 Sales and Use Taxes                                                      | 231,400              | 228,396                   |                            | 247,679                  | 3,004                          |
| 315-36 Investment Income                                                        | -                    | 3,317                     |                            | 3,317                    | (3,317)                        |
| 315-36 Miscellaneous Revenue                                                    | 500                  | 5,200                     |                            | 5,242                    | (4,700)                        |
| <b>TOTAL REVENUES</b>                                                           | <b>347,400</b>       | <b>1,032,866</b>          |                            | <b>1,247,624</b>         | <b>(685,466)</b>               |
| 315-59 Capital Outlay                                                           | 1,540,565            | 489,915                   | 171,495                    | 821,664                  | 879,155                        |
| <b>TOTAL EXPENDITURES</b>                                                       | <b>1,540,565</b>     | <b>489,915</b>            | <b>171,495</b>             | <b>821,664</b>           | <b>879,155</b>                 |
| <b>Excess (deficiency) of revenues over expenditures</b>                        | <b>(1,193,165)</b>   | <b>542,951</b>            |                            | <b>425,960</b>           |                                |
| 315-38 Transfers In                                                             | -                    | -                         |                            | -                        | -                              |
| 315-58 Transfers Out                                                            | -                    | -                         |                            | -                        | -                              |
| <b>Total other financing sources (uses)</b>                                     | <b>-</b>             | <b>-</b>                  | <b>-</b>                   | <b>-</b>                 | <b>-</b>                       |
| 315 Net change in fund balances                                                 | (1,193,165)          | 542,951                   |                            | 425,960                  |                                |
| 315 Fund Balance (deficit), Beginning                                           | 3,302,853            | 3,302,853                 |                            | 3,302,853                |                                |
| 315 Fund Balance (deficit), Ending                                              | 2,109,688            | 3,845,804                 |                            | 3,728,813                |                                |

*\*FY2022 BUDGET is the Adopted Budget plus prior year encumbrances rolled forward*

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 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  
Kimberly Kopp, Land Use Attorney  
Daniel Butler, Senior Planner

**DATE:** October 6, 2022

**SUBJECT:** Single-Family Residential Marine Construction Proposed at 155 Calhoun Avenue  
(PARCEL ID: 00-2S-22-0630-0000-14B2)

---

**I. BACKGROUND:** Charles Lobello, of Lobello, Duhon, Lobello, on behalf of Sam Perman has submitted an application for Harbor and Waterways Board review for the construction of a residential dock, consisting of one (1) 175' x 4' pier with a 24' x 8' terminal landing, and one (1) 4'x16' finger pier, comprising a total of ±996 square feet.

**II. DISCUSSION:**

The applicant requests City Council approval for single-family marine construction located at 155 Calhoun Avenue, located within the Choctawhatchee Bay, a Class II Florida Waterbody.

The proposed marine construction project meets the following requirements of *Section 11.05.00, City of Destin Land Development Code (LDC)*, in addition to providing the 25-foot riparian setback,

*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*

The project was heard and received recommended approval by the Harbor and Waterways Board (HWB) on Monday, September 26, 2022.

**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
- B. **Effect on Budget (EOB):** 1) Enhance Quality of Life
- C. **Level of Service (LOS):** There is no anticipated effect on the LOS.
- D. **Legislative Sponsor:**

**III. CONCLUSION:**

The applicant provided a receipt of submittal from Florida Department of Environmental Protection (FDEP) of Self-Certification, File #0424960001EE. City Staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with ***LDC Section 11.05.01.M, Marina Siting***, and the Coastal Management Element of the City's Comprehensive Plan (***Coastal Management Element Policy 6-1.1.3***).

**HWB RECOMMENDATION:** HWB recommends approval of the single-family marine construction project proposed at 155 Calhoun Avenue, consisting of one (1) 175' x 24' pier with a 24' x 8' terminal landing, and one (1) 4'x16' finger pier, comprising a total of ±996 square feet, subject to the applicant meeting all applicable City permit requirements.

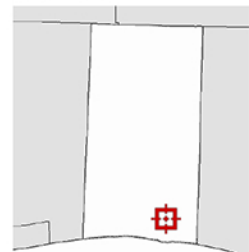
**IV. RECOMMENDED MOTION:** I move that the City Council approval of the single-family marine construction project located at 155 Calhoun Avenue, subject to the applicant meeting all applicable City permit requirements.

Attachments:

- 1. A. Site Plan
- 2. B. Proposed dock details
- 3. C. FDEP Self-Certification File No 0424960001EE
- 4. D. Agent Affidavit
- 5. E. Abutter Notice

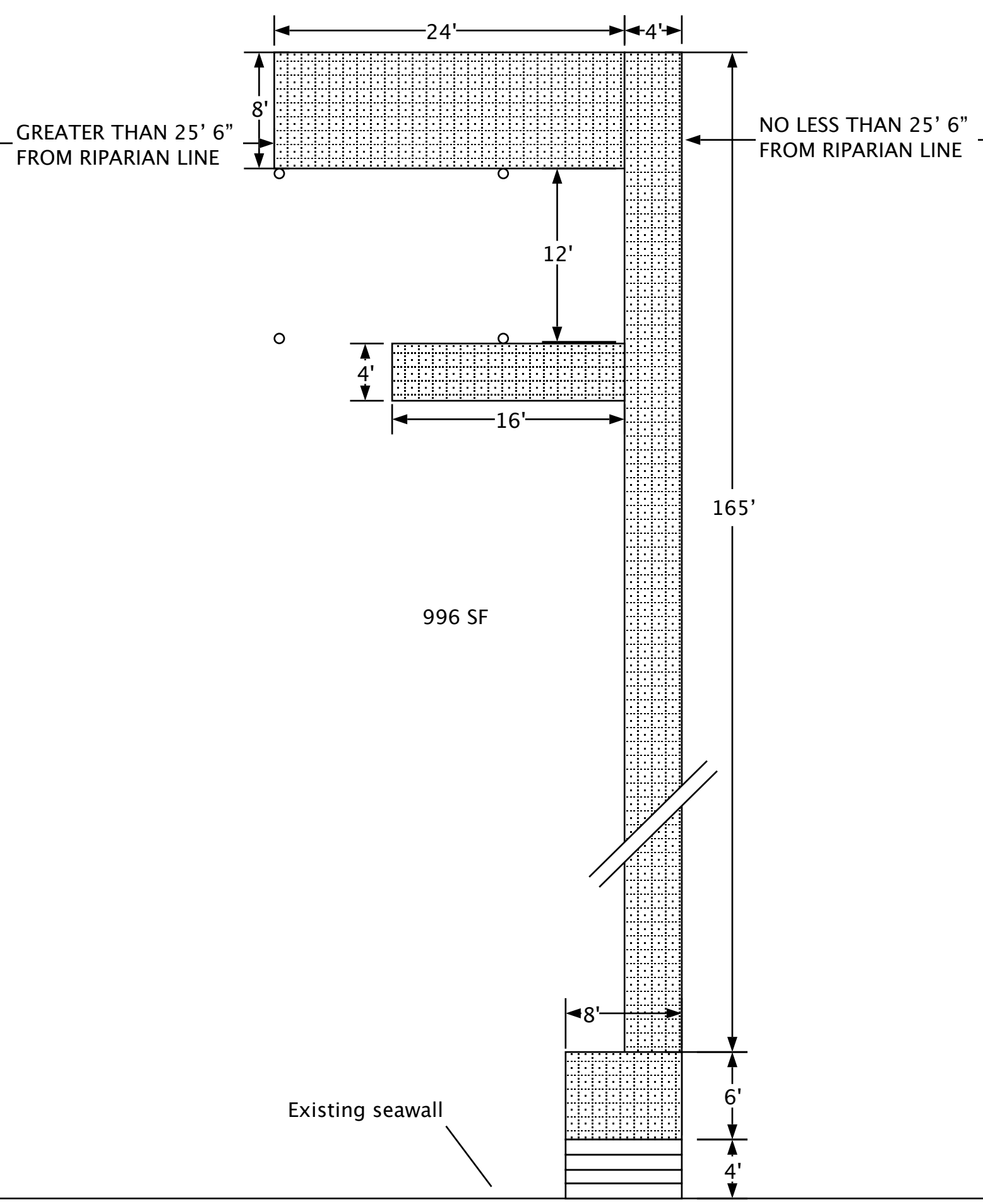


## Overview



## Legend

- Parcels
- Roads
- City Labels



Subject: FDEP ERP Self-Certification Receipt

Date: Thu, Aug 11, 2022 at 10:49

From: no-reply@dep.state.fl.us

To: ldlmarineprojects@gmail.com

Cc: ERP.SELFCERTS@dep.state.fl.us, SPGP@usace.army.mil,  
NMFS.SER.PROGRAMMATICREVIEW@noaa.gov,  
NWD\_ERP\_APPLICATIONS@floridadep.gov



**FLORIDA DEPARTMENT OF  
Environmental Protection**

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

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

**Shawn Hamilton**  
Secretary

**Receipt for Submission**

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

**08/11/2022**

Self-Certification File No.: **0424960001EE**

File Name: **155 Calhoun Ave Destin, FL 32541 - Self Cert Exempt Dock with Boat Lift(s)  
(General)**

Dear **Chuck LeBello**: On **08/11/2022** 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: **10.0998**  
LONG - Degrees: **-86** Minutes: **30** Seconds: **40.1537**  
SITE ADDRESS: **155 Calhoun Ave Destin, FL 32541**  
COUNTY: **Okaloosa**

For:  
**Shirley Perman**  
**155 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:

1. 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
2. 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.
3. 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.
4. 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](mailto: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](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](mailto:NWD_ERP_Applications@FloridaDEP.gov)

Sincerely,

Florida Department of Environmental Protection.

### **Attachments:**

FDEP Terms and Conditions

SPGP Terms and Conditions

Project Design Criteria





**AGENT AFFIDAVIT  
SPECIAL POWER OF ATTORNEY**

KNOWN ALL MEN BY THESE PRESENTS, THAT I, Shirley Perman 2013 Trustee am  
presently the owner and/or leaseholder at 155 Calhoun Ave. Destin, FL and desiring  
to execute a Special Power of Attorney, have made, constituted and appointed, and by these presents do  
make, constitute and appoint LDL Construction (Charles Lobello  
whose address is 297 W. Miracle Strip Pkwy County of Okaloosa State of Florida  
my Attorney-in-Fact to act as follows, GIVING AND GRANTING unto said attorney full power to act as  
my agent in any and all matters pertaining to: New dock and boat slip.

FURTHER, I do authorize the aforesaid Attorney-in-Fact to perform all necessary acts in the execution of  
the aforesaid authorization with the same validity as I could effect if personally present. Any act or thing  
lawfully done hereunder by the said attorney shall be binding on myself and my heirs, legal and personal  
representative, and assigns.

PROVIDED; however, that any and all transactions conducted hereunder for me or for my account shall be  
transacted in my name, and that all endorsements and instruments executed by the said attorney 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."

OWNER

Shirley Perman, Trustee

Signature

Shirley Perman, Trustee

Printed Name

STATE OF Florida

COUNTY OF Okaloosa

The foregoing instrument was acknowledged before me by means of physical presence ☒ or online

notarization, this 6 day of September, 20 22, by

(name of person acknowledging)

Shirley Perman

[Signature]

Signature of Notary

Personally known ☒ OR Produced Identification ☐

Type of Identification Produced \_\_\_\_\_





# Community Development Planning Division

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

September 16, 2022

**Subject: Notification of Application Submittal – Single-Family Residential Boat Dock –  
155 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 996 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, September 26, 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. Please provide any feedback (positive or negative) to Staff at [planning@cityofdestin.com](mailto:planning@cityofdestin.com). Citizens are also encouraged to attend the public hearing at the date/time listed above.**

1. Name of Owner: Sam Perman
2. Name of Agent: Charles Lobello, Lobello, Duhon, Lobello
3. Address of Project: 155 Calhoun Ave
4. Parcel ID Number: 00-2S-22-0630-0000-14B2
5. Project Description: The proposed project includes the construction of a residential dock, consisting of one (1) 175' x 4' pier with a 24' x 8' terminal landing, and one (1) 4'x16' finger pier, comprising a total of ±996 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](mailto:planning@cityofdestin.com).

Sincerely,

*Sae More*

Sae More  
Planner



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

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022

**TYPE OF AGENDA ITEM:** Consent Agenda

**AGENDA OUTLINE NUMBER:** 3.D.

---

**TO:** City Council

**THRU:** Lance Johnson, City Manager  
Kyle Bauman, City Attorney

**FROM:** Rey Bailey, City Clerk

**DATE:** October 6, 2022

**SUBJECT:** Resolution 22-16 - Amendment to the Youth Council ByLaws

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**I. BACKGROUND:** At the October 3, 2022 council meeting, the city council adopted a motion to amend Section 2 of Resolution 17-36, Youth Council ByLaws to read: "*The Destin City Council may appoint up to 30 percent of the members as non-resident members who attend a local area high school (or home school) to fill any vacancies occurring during the year*"; thus increasing the maximum number of non-resident membership to four.

**II. DISCUSSION:** The city council subsequently appointed a non-resident member to the youth council, bringing the total number of members to 14, and non-resident members to four.

**A. Link to Strategic Goals / Objectives:** Enhanced Quality of Life

**B. Effect on Budget (EOB):** No significant budgetary impact. The Clerk's Office provides administrative support to the Destin Youth Council.

**C. Level of Service (LOS):** No significant impact to the Level of Service.

**D. Legislative Sponsor:** Councilmember Jim Bagby

**III. CONCLUSION:** Staff recommends adoption of Resolution 22-16.

**IV. RECOMMENDED MOTION:** I move for the adoption of proposed Resolution 22-16, amending the Destin Youth Council ByLaws.

Attachments:

1. Resolution 22-16 - Amendment to Youth Council ByLaws

2. Resolution 17-36 - Destin Youth  
Council Bylaws

## RESOLUTION 22-16

**A RESOLUTION OF THE CITY OF DESTIN, FLORIDA; RELATING TO THE DESTIN YOUTH COUNCIL; AMENDING RESOLUTION 17-36, THE DESTIN YOUTH COUNCIL BYLAWS; AMENDING ARTICLE I, SECTION 2 – MEMBERSHIP APPOINTMENTS AND QUALIFICATIONS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Destin has formed the Destin Youth Council; and

**WHEREAS**, the Destin Youth Council requires certain operating rules and guidelines; and

**WHEREAS**, in accordance with the established bylaws, these by-laws may be amended at any duly constituted meeting of the Destin City Council by an affirmative vote of a majority of the City Council members present and voting.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:**

Resolution 17-36, which sets forth the Destin Youth Council Bylaws, is hereby amended as follows:

*NOTE: Underlined language is proposed new language. ~~Struck-through~~ language is language proposed to be deleted.*

### **ARTICLE 1 – MEMBERSHIP APPOINTMENTS AND QUALIFICATIONS**

#### **Section 1 - Representation**

A maximum number of fourteen (14) and a minimum number of seven (7) members will serve on the Destin Youth Council. The Destin Youth Council shall seek in its membership a diverse representation reflecting the community.

#### **Section 2 – Membership Qualifications**

Members must live within the city limits of Destin and must be between the grades of 9 to 12. The Destin City Council may appoint up to ~~three non-resident members~~ 30 percent of the members as non-resident members who attend a local area high school (or home school) to fill any vacancies occurring during the year. Members shall have at least a 2.25 GPA.

EFFECTIVE DATE: This resolution shall take effect upon its adoption by Council and signature of the mayor.

**ADOPTED THIS 17<sup>TH</sup> DAY OF OCTOBER 2022**

**By:**

---

**Gary Jarvis, Mayor**

**ATTEST:**

---

**Rey Bailey, City Clerk**

**The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney for the City of Destin only:**

---

**Kyle S. Bauman, City Attorney**

## RESOLUTION 17-36

**A RESOLUTION OF THE CITY OF DESTIN, FLORIDA; RELATING TO THE DESTIN YOUTH COUNCIL; AMENDING THE DESTIN YOUTH COUNCIL BYLAWS BY AMENDING ARTICLE I, SECTION 2 – MEMBERSHIP APPOINTMENTS AND QUALIFICATIONS; ARTICLE III, SECTION 4 – QUORUM REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Destin has formed the Destin Youth Council; and

**WHEREAS**, the Destin Youth Council requires certain operating rules and guidelines; and

**WHEREAS**, in accordance with the established bylaws, these by-laws may be amended at any duly constituted meeting of the Destin City Council by an affirmative vote of a majority of the City Council members present and voting;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:**

The Destin Youth Council Bylaws are hereby amended as follows:

*NOTE: Underlined language is proposed new language. ~~Struck through language~~ is language proposed to be deleted.*

### **ARTICLE 1 – MEMBERSHIP APPOINTMENTS AND QUALIFICATIONS**

#### **Section 1 – Representation**

A maximum number of fourteen (14) and a minimum number of seven (7) members will serve on the Destin Youth Council. The Destin Youth Council shall seek in its membership a diverse representation reflecting the community.

#### **Section 2 – Membership Qualifications**

Members must live within the city limits of Destin and must be between the grades of 9 to 12. The Destin City Council may appoint up to three non-resident members who attend a local area high school (or home school) to fill any vacancies occurring during the year. Members shall have at least a 2.25 GPA.

#### **Section 3 – Term Limits**

Members will serve a one-year term equivalent to the respective school year. Terms of office will begin in August and end in July the following year. Members may re-apply every year provided they remain within the grade limits of the membership qualifications.

#### **Section 4 – Application Process**

Members of the Destin Youth Council shall be chosen through an application process. Interested parties shall complete an application form. The Destin City Council shall

review the application and select members of the Destin Youth Council.

### **Section 5 – Appointment of Members**

Each member of the Destin City Council shall appoint up to two members to the Destin Youth Council.

### **Section 6 – Conduct**

Each member of the Destin Youth Council must conduct himself or herself in a positive, friendly, and law-abiding manner at all times. There will be no smoking, drinking alcoholic beverages, or using illegal drugs by any member of the Youth Council. Such behavior will not be tolerated and is ground for dismissal from the Youth Council.

## **ARTICLE II – OFFICERS**

### **Section 1 – Officer Appointments**

The officers of the Destin Youth Council shall be elected annually. The Destin Youth Council shall elect from its members a Chair and a Vice-Chair. The officers of the Youth Council shall be elected by a majority vote of the voting members present. The candidates receiving a majority vote of the Destin Youth Council members are elected.

### **Section 2 – Officer Duties**

The duties of the officers shall be as follows:

- a. The Chair shall preside at the meetings of the Destin Youth Council and shall be charged with the administration of the affairs of the Youth Council with assistance from the City Clerk or designee. The Chair shall perform such other duties as provided by these by-laws and by rule of the Destin City Council.
- b. The duties of the Vice-Chair shall be to perform the duties and exercise the power of the Chair during their absence
- c. The City Clerk or designee shall determine a quorum for the meeting and shall conduct the roll call at the start of the meeting.

### **Section 3 – Term of Officers**

The term of all officers provided for in Section one hereof shall be for one year or until their successors are elected.

### **Section 5 – Vacancies of Officers**

Should a vacancy occur in an office of the Destin Youth Council by resignation, removal, or by some other reason, the office shall be filled by an election for the vacant office at the next regular meeting of the Destin Youth Council.

## **ARTICLE III – MEETINGS**

### **Section 1 – Regular Meetings**

Regular meetings of the Destin Youth Council shall be held at least once a month, on the



fourth Thursday of the month, beginning at 4:00 PM. Meeting schedule may be adjusted from time to time at a regular meeting by a majority vote of the members present. The principal meeting place of the Youth Council shall be at the Destin City Hall. Robert's Rules of Order shall govern the proceedings of the Youth Council in all cases to which they are applicable, and in which they are not inconsistent with these by-laws. Matters for consideration by the Youth Council shall be presented only at Youth Council meetings. The Office of the City Clerk shall give public notice of the meeting in accordance with the requirements of the Florida Open Meetings Law. This notice shall include posting on the City of Destin's official website.

## **Section 2 – Special Meetings**

Special meetings may be called upon the request of the Chair. Request for special meetings shall be sent via electronic mail, or by telephone, to the office of the City Clerk at least 48 hours before the time of the meeting. This request shall include the reason or reasons for requesting the special meeting. The Office of the City Clerk shall notify every member of the Youth Council via electronic mail or by telephone. No subjects other than those stated in the notice shall be considered at the special meeting.

## **Section 3 – Open Meetings**

All meetings of the Destin Youth Council shall be open to the public and be subject to all requirements of the Florida's Open Meeting Law.

## **Section 4 – Quorum Requirements**

A quorum is necessary to transact official business at any meeting. The presence of the majority of the entire membership of the Destin Youth Council shall constitute a quorum for a meeting of the Youth Council. The majority of the quorum present and voting must be comprised of Destin residents.

## **Section 5 – Voting**

The affirmative vote of a majority of the members present shall be necessary to adopt a recommendation to be forwarded to the Destin City Council for review and/or possible action.

## **Section 6 – Order of Business**

The Chair of the Youth Council shall, when present, call the members of the Youth Council to order. Before proceedings to business, the roll of the members shall be called, and the names of those present (and absent) entered in the minutes. If a quorum is present, the order of the business shall be:

- a. Pledge of allegiance.
- b. Approval of the minutes of the previous meeting.
- c. Old business.
- d. New Business
- e. Public comments
- f. Announcements.
- g. Adjournment

## **Section 7 – Conduct of Members**

No member of the Youth Council shall interfere with the orderly progress of the meeting by leaving his or her seat or engaging in unnecessary conversation. Any member guilty of any unprofessional conduct shall be reported to the Destin City Council.

## **Section 8 – Attendance**

Attendance at regular Youth Council meetings is expected from all members. If a member cannot attend due to sickness or for a duly-authorized reason, the member shall notify the Office of the City Clerk who shall notify the Chair of the Destin Youth Council. Any member of the Destin Youth Council who missed three consecutive meetings shall be reported to the Destin City Council.

## **ARTICLE IV – REPORTS**

### **Section 1 – Annual Report to the Destin City Council**

The Chair or their designee shall make a report to the Destin City Council of the activities and businesses of the Youth Council at least once each calendar year.

## **ARTICLE V – AMENDMENTS TO THE BYLAWS**

### **Section 1 – By-Laws and Amendments**

The by-laws of the Youth Council shall be reviewed once each year. The Destin Youth Council may make a recommendation for amendments to the bylaws at a regular meeting by a majority vote of the voting members present. Amendments to the bylaws must be approved by the Destin City Council in order to take effect.

EFFECTIVE DATE: This resolution shall take effect upon its adoption by Council and signature of the Mayor.

ADOPTED THIS 6<sup>TH</sup> DAY OF SEPTEMBER 2017  
By:

  
\_\_\_\_\_  
Scott Fischer, Mayor

ATTEST:

  
\_\_\_\_\_  
Rey Bailey, City Clerk

**MINUTES  
REGULAR MEETING  
DESTIN CITY COUNCIL  
SEPTEMBER 19, 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  
City Clerk Rey Bailey  
Code Compliance Director Kimberly Corbin  
Community Development Director Louis Zunguze  
Grants/Project Manager Jeffrey Cozadd  
Finance Director Krystal Strickland  
Park Supervisor Bryan Kellar  
Land Use Attorney Kimberly 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 Planner Daniel Butler  
City Attorney Kyle Bauman

**CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE**

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Rabbi Shaya Tenenboim of Chabad Emerald Coast gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

**AGENDA APPROVAL**

**Motion by Councilmember Bagby, seconded by Councilmember Hebert, to move agenda items 5A and 5B, which are listed under the Public Hearing section of the agenda, above the Consent Agenda, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

**Motion by Councilmember Schmidt to move agenda item 6G(1) to follow items 5A and 5B was seconded by Councilmember King and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

**Councilmember Hebert moved to approve the agenda, as amended; seconded by Councilmember Bagby. Motion 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**

Mayor Jarvis asked Mrs. Judy Schink to come forward and share her experience that led to the launching of the Aqua Alert Program.

Ms. Judy Schink, resident of Aurora, Minnesota, spoke of her husband, David Schink, who went missing in the Gulf of Mexico in February 2021. He was kayaking in waters near Norriego Point in Destin when he disappeared. After a three-day search by the US Coast Guard, Florida Fish and Wildlife Conservation Commission (FWCC), and the Sheriff's Department, Mr. Schink was never found. She stated that after grieving and mourning their loss, her family wanted to make sure it never happened to anyone else. They tried to figure ways to improve the situation and get more "eyes" on the water during this time of emergency. This was the first thought to develop the Aqua Alert Program. It is similar to Amber Alert except it would involve boaters volunteering to go out to the sites when the authorities deems that it is needed. This is an idea which has gain support from the U.S. Coast Guard, FWCC, the Sheriff's Department, and the Mayor of Destin.

Ms. Schink announced that the Aqua Alert Pilot Program is now in place as a result of a collaborative effort between the City of Destin, the Okaloosa County Sheriff's Office, and the Okaloosa County Board of County Commissioners. It has its own logo. The app will be introduced on Wednesday, September 21<sup>st</sup>, at 10:00 AM, at the Okaloosa Sheriff's Department building in Shalimar. They will demonstrate how it works and how to sign up. She urged everyone to show up and participate.

Ms. Sarah Stone, a resident of Grassy Cove and Destin High School Board member, asked the city council to allow conversion of a softball field at Morgan's Sports Center into a Destin High School baseball field. She noted that the council prioritized their key customer groups in their strategic plan as one – year-round residents, two – Destin-based businesses, and three – visitors. She also mentioned that according to the department summary in the 2022 Budget Report, the mission statement for the Morgan's Sports Center includes, "actively pursuing partnership with schools." She stated that the Destin High School belongs to the City of Destin, and that they are asking for a conversion of a softball field into a baseball field so that the student athletes who want to play baseball beyond middle school can go and play into their high school years at Morgan Sports Center. She further stated that Destin Elementary School is not handicapped accessible, it does not have convenient bathrooms, it does not have concessions, and no score boards. She urged the city council to approve the request.

Mr. Brian Patzig, a resident of Kelly Plantation Drive, informed the council he has actively participated as player and coach in athletic sports at Morgan Sports Center since its inception. For the past 20 years, he has witnessed a consistent decline in participation in city-run adult men or women softball league. Reasons may include lack of maintenance and upgrade of the fields like the surrounding cities have done to their parks. Lack of used may be due to weather, when most times field are not playable. It could also be the rising cost of using the Morgan Sports Center for athletics. For this reason, the softball field has been repurposed for other sports. He continued that artificial turf infields can be a solution, which many other

municipalities have considered. Repurposing the softball field for baseball use by the Destin High School will be minimal as turf field is modular. Also, the safety of the turf will help minimize injuries. The overarching goal of bringing more tournaments in this area to increase tourism can also be achieved. Fields in other cities around Destin – such as Pensacola, Panama City Beach, and Niceville are booked almost year-round for youth and adult tournaments. He urged the council to vote in favor of working with the Destin High School to bring as much quality usage to the Morgan Sports Center field as possible and restore a sense of pride in athletics in this great city.

Mr. Jim Wood, a Destin resident and Chairman of the city's Public Works and Safety Committee, expressed his support of several items that are on tonight's agenda – the purchase of pedestrian crossing warning systems with lights, the re-striping of Main Street (north of Kelly St) and Indian Trail, and the use of Morgan Sports Center parking lot for the Destin Seafood Festival. He also announced he is a member of the American Legion in Destin, and they have a program called "Wreaths Across America" where they place wreaths on their local cemeteries. They have funded over 190 of the 260 wreaths, and they welcome those who are interested in sponsoring some of the others.

Mr. Jason Belcher, a Destin resident, stated that there have been a lot of residential development on Sibert Avenue, and that placement of speed tables at crosswalks at the library and Zerbe Street would help improve the traffic flow and control the speed in that area.

Mr. Belcher also warned against opening up historically residential areas to short-term rental leasing. He stated that they already have income producing properties within the city limits. If they continue to add short term rentals, they will dilute an already very good product, and attract lesser clientele which would do very little for this community. They could turn this town into nothing but a large tourist area and suffer the degradation of this community.

Mr. Jason Alley who resides at Sailmaker Lane and who currently serves as the President of Destin Little League spoke next. He stated that Morgan's Sports Complex would be of great benefit to Destin Little League including the ability to expand the League offerings beyond the current age limitations by offering a Juniors and Seniors program, which alone should be reason enough to support the matter at hand. He stated that he would like to address a bigger issue which is the coordination and cooperation between the City of Destin and its citizens to provide for and support the children and youth of this community in every way possible as they are the future of this community. He pointed out that the demographics of Destin are changing, and they have more children in their population than ever before. The data shows they have a growing community of children and that they also have the ability to provide these children with a greater chance of success by affording them additional opportunities to participate in extra-curricular activities, starting with making the necessary improvements to Morgan Sports Complex. He also proposes consideration of forming another committee that is specifically dedicated to youth activities and involves all of those that operate their local programs: such as the little league, tackle football, flag football, soccer, and basketball. He added that all citizens of the Destin area are important, and all should be properly served by its government.

Palmer Robbins, a freshman at Destin High School, expressed the need for a larger baseball field, stating that one of the ways of achieving this is for the community to work together and modify a softball field at the Morgan Sports Complex into a high school regulation

baseball field; and with the city helping to maintain that field. The team could also assign a certain group to be responsible for cleaning and raking the field after each practice or each game. This would teach them pride and hard work. He added that this is a small price to pay for the use of the field that is very close to the high school.

Mr. Justin Robbins, who resides at Stonebridge Road, expressed his full support for the City of Destin and Destin High School working together for the youth in the community. He stated that this community effort is for the kids and the kids only. The partnership has to continue to grow and to be successful. He stated that he is looking forward for the city council to allow conversion of the field at Morgan Sports Center to a high school regulation baseball field.

Mr. Torey Geile, a Destin resident, noted that the city is in a little bit of a crises at this time. There are businesses in Destin that will be shutting down, some due to staffing. They do not have affordable housing. The city is a bit understaffed, and unable to fill two key positions. If they annex the Destin High School into the city, they could utilize their expansion revenue in offering a bit more income and making it a little more enticing to fill those key positions. They could dedicate certain groups and committees in helping to determine or find solutions to their affordable housing issues. This would then become a mutual beneficial relationship from which they could all prosper.

Mr. Daniel Frankfurt, who resides at Kelly Plantation Drive, expressed his support of converting the softball field at Morgan's Sports Complex into a regulation high school baseball field to be utilized by the Destin High School baseball team. He stated that he has three children: A 5th and 7th grader at Destin Middle School, and a 9th grader at Destin High School. All three of his children have been active with the City of Destin youth sports programs; and all have been active parts of Destin Little League. He stated that the Destin Elementary baseball field is not a viable option for a variety of reasons. It is not handicap accessible, there are no adequate bathrooms, no concession stands, and no adequate parking and lighting.

Ms. Heidi LoCicero, who resides at Mattie's Way and a Destin High School Board member, stated that although some of the students and parents live outside the city limits of Destin, they all consider themselves part of Destin. They love this community and want to support the city. The majority of their high school baseball team members are official City of Destin residents. She asks not only for the city's support of the high school baseball program but all of Destin High School activities. Destin High School is one of the greatest things that happened to this city. Its students depend on the city's support.

Next to speak was Ms. Dana Chandler, a resident at Coleman Point and a local restaurant owner. She stated that she has been a part of this community for quite a long time. She has seen the growth of Destin. The city has been criticized for a lot of things, including not having the proper infrastructure, for roads, and for not having its own high school. She continued that former council member Charles Morgan started the "Rally for Recreation" which was supported by a large number of residents in the community. Morgan Sports Complex was supposed to service all the children in Destin, which is not currently the case. She urges council to provide a facility for the high school team to play baseball. It will not cost the city much since the school plans to pay for everything.

Ms. Jena Bauman, a Destin resident, stated that she does not agree with converting the softball field into a baseball field for the high school. She and her husband both coach soccer. They do not have enough fields to accommodate the fall and spring soccer and flag football for the kids. She too wants to support the Destin High School, but she would not want the support of the high school to take away from the growth of local sports for the young children of this community.

Ms. Christine Cruickshank, the Destin High School Principal, stated that this year has been absolutely amazing in terms of what has been happening with the school, student, and the entire community. The entire community has been out supporting student activities. She noted that the high school baseball team has spent long hours travelling on the road to play baseball since they do not have a facility to play their home games. They lost over 25 hours of class time travelling to every game. They need a good safe complex where this community can come and support them. She urged the council to approve a motion to convert the baseball field at Morgan Sports Complex into a high school regulation baseball field.

Ms. Sandy Trammell, a Destin resident and Chair of the Parks and Recreation Committee, noted that Ms. Cruickshank and Coach Philip K. Dorn of the Destin High School presented their case to the committee. The committee had a lot of their questions answered and received a lot of information to provide to this council. She continued that the committee voted in favor of creating an interlocal agreement between the school and the city for the conversion and upgrading of the softball field. She feels it is her duty as a citizen of this community, and the committee's responsibility to help the Destin High School baseball team find a permanent spot for which to play.

**Following public comments, next items discussed were agenda items 5A and 5B, under the Public Hearing section of the agenda.**

### **3. CONSENT AGENDA**

- A. TDD Interlocal Agreement for Waterfront Access Maintenance and Capital Improvements
- B. Authorization to purchase Pedestrian Crossing warning systems with lights
- C. Re-Striping of Main Street (north of Kelly) and Indian Trail
- D. 38th Annual Christmas Parade
- E. Operations Financial Report
- F. Capital Project Status
- G. Animal Control Services Contracts FY2023
- H. 2022 Destin Seafood Festival Shuttle Stop Request
- I. Destin High School 5k fundraiser/request for use of city right-of-way
- J. Destin Youth Council Membership Appointment
- K. Approval of minutes of August 15, 2022 Regular City Council Meeting
- L. Okaloosa County Sheriff Office Service Agreement FY2023

Councilmember Schmidt requests Consent Agenda item 3G be pulled for further discussion.

**Councilmember Hebert moved for approval of Consent Agenda items 3A thru 3F, and items 3H thru 3L; seconded by Councilmember Wagner. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

Councilmember Schmidt addressed Consent Agenda item 3G – Animal Control Services Contracts for 2023. He stated that the PAWS contract included a 30 percent increase from the previous year, which equates to a \$24,000 increase for services, with the type of services not fully explained in the contract. They received a lot of documentation just prior to the start of tonight’s meeting. He has a lot of question and need more time to study the contract to understand its value.

**Motion by Councilmember Schmidt, seconded by Councilmember Bagby, to table the PAWS contract to the next meeting and for staff to provide a report, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

**Councilmember Schmidt moved to approve the Emerald Coast Wildlife Refuge (ECWR) contract; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

#### **4. CITY MANAGER REPORTS**

##### **A. Human Resources/Risk Manager Confirmation**

**Motion by Councilmember Hebert to confirm Ms. Jamie Dittmer as the Human Resources/Risk Manager was seconded by Councilmember Destin and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

##### **B. Destin Multi-Use Trail at Linear Park Funding Agreement**

**Councilmember Destin moved to approve Resolution 22-14 and authorize the mayor to execute the FDOT Funding Agreement for the Destin Multi-Use Trail at Linear Park passed. Councilmember Hebert provided a second to the motion.**

Councilmember Destin noted there is a very quick turnaround time for the appropriations. He asked what staff has done so far.

According to the City Manager, staff has already started work on the bid documents. The Grants/Project Manager has started assembling the committee and they expect to hold a stakeholder meeting within the next 10 days.

Councilmember Destin wants to make sure a Gulf Power representative is invited to the meeting since the right-of-way belongs to Gulf Power.

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



### C. Harbor CRA and Town Center CRA Master Plans Update

The Community Development Director Louis Zunguze informed the council that the city is seeking to update the two Community Redevelopment Areas (CRA) master plan. The Harbor CRA and Town Center CRA master plans were last updated in 2003 and 2014, respectively. The update will include the collection and analysis of current conditions within the CRA boundaries, review of existing state and local regulations, public engagement, and development of key projects within the CRA, consistent with the required criteria outlined in Florida Statutes.

**Councilmember Braden moved to direct the City Manager to undertake the preparation of the Town Center and Harbor CRA Master Plan Updates pursuant to the Scopes of Work; seconded by Councilmember Wagner. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

### D. Announcements

1. Government Week/City of Destin Open House is scheduled for October 20<sup>th</sup>, from 11:30 AM to 1:00 PM, at the Destin Community Center.
2. The City of Destin welcomes the members of the Destin Forward Class who are in attendance at tonight’s meeting.

## 5. PUBLIC HEARINGS

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

The City Attorney read Ordinance 22-13-CN by title, and then presented it to the city council on second 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. 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 to adopt Ordinance 22-13-CN on second reading, adopting the proposed FY 2023 millage rate of 1.6150 mills which is more than the rollback rate of 1.4391 by 12.22%. Councilmember Destin provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

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

The City Attorney read Ordinance 22-14-CN by title, and then presented it to the city council on second 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 Wagner moved to adopt Ordinance 22-14-CN on second reading to provide for a balanced budget for FY 2023; seconded by Councilmember Hebert. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”).**

**Following item 5B, next item discussed was agenda item 6G(1).**

- C. Proposed Major Development - Jamie Eubanks of Jenkins Engineering, Inc., on behalf of JPD Investments, Inc., is requesting approval for a Major Development Order. The project is located at 500 Industrial Park Road (Parcel IDs: 00-2S-22-0000-0051-0000 & 00-2S-22-0000-0001-0020), with the properties totaling approximately 3.98 acres; however, site construction will only encompass approximately 2.45 acres. The scope of the project is to redevelop the previously constructed parcel to include 32,400 square foot warehouse space within five building footprints, along with the associated site infrastructure.

The City Attorney sworn in the following individuals for testimony:

Senior Planner Daniel Butler  
Jamie Eubanks of Jenkins Engineering, Inc.

The City Attorney asked whether any member of the city council had been involved in any ex-parte communication regarding the proposed project.

The mayor and each member of the city council announced they have not been involved in any ex-parte communication regarding the proposed project.

The Land Use Attorney requested that the staff report and all its exhibits be admitted into the record as the **City’s Composite Exhibit A**.

Having no objection from the applicant, the mayor admitted the staff report and its exhibits into the record as the **City’s Composite Exhibit A**.

Senior Planner Daniel Butler stated that the project is located at 500 Industrial Park Road. The scope of the project is to redevelop the previously constructed parcel to include about 32,400 square feet of warehouse space within five building footprints, along with the associated site

infrastructure. The property has a Future Land Use Map designation of Industrial and a zoning designation of Industrial. The proposed use is consistent with the land use regulations. The project, as required by the city's Comprehensive Plan and the Land Development Code, has undergone a compatibility review and meets the minimum requirements. City staff recommends approval of the project.

The mayor opened a public hearing to receive comments for or against the proposed project. Having none, the mayor closed the public comments portion of this item and turned the matter over to the city council for their discussion and consideration.

Councilmember Braden inquired as to the amount of impact fees imposed for this project.

Mr. Butler replied that the estimated impact fees that will be assessed for this project at the issuance of the building permit is \$10,686.20.

**Councilmember Hebert moved for approval of Destin Industrial Park, a Major Development Order, as presented. Councilmember Wagner provided a second to the motion, which passes 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Wagner, and Braden voted "yes").**

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

### **A. Councilmember Braden**

Councilmember Braden requests the topic, "Waiver of all fees accrued by DHS to date" be placed on the next meeting agenda for discussion.

### **B. Councilmember Wagner**

Councilmember Wagner requests the topic, "Low speed vehicle safety program" be placed on the next meeting agenda for discussion; noting that the Public Work/Safety Committee passed a motion to recommend to the city council to begin a public education program on Low-Speed Vehicle laws. The council can discuss and possibly provide some directions on how to move forward with instituting such a program.

**Next, Councilmember Wagner moved to direct the City Manager and City Attorney to continue negotiating with the land representative for the acquisition of the land for potential site for pickle ball courts; seconded by Councilmember Hebert. Motion passed 6-1 (Council members Schmidt, King, Hebert, Bagby, Destin, and Wagner, voted "yes"; Councilmember Braden voted "no").**

### **C. Councilmember Destin**

Councilmember Destin noted that since they have money in their budget dedicated to annexation, based on testimonies given tonight, this may be a good time to try to incorporate Kelly Plantation into the city. He recommends that the City Manager or appropriate members of staff contact Kelly Plantation to see if they are amenable to the idea.

The Land Use Attorney noted that she is putting together the statutory policy involved in this process, per prior direction from the council, and that it will be presented to the council in February 2023.

D. Councilmember Bagby

Councilmember Bagby congratulated Councilmember Wagner for completion of the Institute for Elected Municipal Officials (IEMO) II.

E. Councilmember Hebert

1. Motion to consider rescission of the following motion: Direct city staff to Work with Destin High School on 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 act as a bridge to a more permanent solution for the high school.

Councilmember Hebert requests this item be pulled from the agenda given that the issue has been discussed fully, and that it has been superseded by a motion the council adopted earlier tonight.

F. Councilmember King

G. Councilmember Schmidt

1. Morgan Sports Center Barracuda Field changes

Councilmember Schmidt noted that at the June 20, 2022 council meeting, the council was presented with the idea of converting one of four softball fields at Morgan Sports Complex, which is barely used, into a high school regulation baseball field. Since that time and based on the motion that was made that night, there have been numerous meetings, emails and phone conversation between city staff and high school staff. There have also been two Parks and Recreation Committee meetings when this item was discussed. The committee approved a motion to move forward with the plan to update the field. Also, at the last meeting, staff provided a thorough briefing packet which was not made part of tonight's meeting packet. He received numerous phone calls and emails regarding this issue which is a sign this issue is very important to this community. He continued that their number one priority is their citizens, ahead of their local businesses and visitors. They heard from a lot of different people tonight regarding the usage of the field. They now have the opportunity to demonstrate their support for the high school without even having to bear the cost of the renovation.

**Councilmember Schmidt moved to direct the City Manager to convert the Barracuda Field at the Morgan Sports Complex into a high school regulation baseball field, to be completed by January 20, 2023, based upon all permitting and approval requirements. This includes expanding the infield further adding grass infield for 90-foot**

**base paths. And to not put additional fencing or netting up at this time. Motion was seconded by Councilmember Hebert.**

Councilmember Hebert noted that she has also heard from different family members throughout the week about this issue. She is so proud that Destin has a high school. The least they could do is continue to support them.

Councilmember Bagby stated that the goal is to obtain a unanimous vote from the council on this issue. He stated that he also has had conversations with many people in the community, and that this town is divided on this issue at this time. Only about 35 percent of them is in favor of converting the field. About 50 percent of the people who spoke in favor of it, including all the emails they received and those who have spoken tonight resides outside the city limits. He stated that he would like to present the following facts. They cannot annex the high school into the city until they are finished building their school facility. There is a healthy revenue stream for the high school. The school currently gets their pro rata share of the 3.695 mills that the school district raises for education for each student. They also get their pro rata share of the half-cent sales tax that was passed for the school. When the school receives its accreditation or 3 years after the school receives its accreditation from state, it becomes eligible for revenue from the state requirements for educational facilities. The school can also apply for federal and state grants. He added that they represent the citizens/residents of the City of Destin. He is willing to support the request to use the facility at the Morgan Sports Complex as long as it is paid for.

**Councilmember Bagby offered a substitute motion to direct the City Manager to work with the Destin High School and Destin Water Users in crafting an interlocal agreement for the usage of the Morgan Sports Center Barracuda Field and bringing it back by the second meeting in October with the following stipulations:**

- **The length of the agreement will not exceed 5 years**
- **The rate of usage is not more than the non-profit rate**
- **Destin High School will pay for the conversion of the field**
- **Destin High School will pay for the monthly, annually, or frequency of the usage as agreed upon by the group**
- **Destin High School will pay for reversion of the field after 5 years, or if they no longer need to use it and the council converts it back to a softball field.**

**Councilmember Destin provided a second to the motion.**

Councilmember Destin stated they need to come up with a conclusion to this issue that is beneficial to both the school and the city. And that the conversion of the field would not cause hard to the people who are utilizing it already. The field is not being use the beginning of the year, but it is being used later in the year. And that they have already taken some money from the participants who will be using the field. The conversion of the field with clay on some parts and grass on other parts could make it unusable for some of the other users such as the youth league, lacrosse, and soccer players. They would need to find a way to accommodate the needs of the high school without taking it away from the needs of the other users.

Councilmember King stated that he cannot support the substitute motion on the floor. He feels allowing the high school the use of the field is key to the success of the high school baseball team. He stated it does not make sense to continue to pursue the option to try to convert the Destin Elementary School field as it lacks proper accommodations such as bathrooms and concession stands. He supports converting the field at Morgan Sports Center into a high school regulation baseball field.

Councilmember Schmidt stated that he cannot support the substitute motion as he does not feel an interlocal agreement is necessary in this case.

Councilmember Destin stated they are working to make this happen, but they need an interlocal agreement to work out the details. It is necessary to get a unanimous vote from the council, or at least a super-majority vote to allow it.

The City Attorney opined this is a situation that would merit a contract or an interlocal agreement among the Destin High School, the City of Destin, and the Destin Water Users. If they move forward with the first motion, a lot of questions would arise as they go through the process. It is best to memorialize all the details and bring it to council for approval.

Councilmember Bagby stated they cannot skip this process as they will not be able to start the renovation of the field until they have an executed interlocal agreement. They need to memorialize all the details. He wants to allow the high school the use of the field, but they need to abide by their attorney's advice.

**Motion passed 4-3 (Council members Bagby, Destin, Wagner, and Braden voted “yes”; Council members Schmidt, King, and Hebert voted “no”).**

**Discussion of Section 3 – Consent Agenda follows item 6G(1).**

Councilmember Schmidt requested an update to his previous recommendation regarding boardwalk planks replacement on beach accesses that will provide safety messages and general knowledge of the beaches to the public.

City staff will provide an update at the next council meeting.

Councilmember Schmidt inquired about the Harbor Capacity Study update scheduled in October, whether a partial or full result of the study will be presented to the council.

The Land Use Attorney noted that the item has been added to the October 3, 2022 council meeting agenda. The city council will receive the preliminary results of the study. The proposed livery vessel moratorium extension will come back at the second meeting in October as the current moratorium is due to expire in November.

Next, Councilmember Schmidt stated they have been getting conflicting information from the county and the city about Clement Taylor Park. They seem to be waiting for the completion of the Capt. Royal Melvin Park to get the funding for the design and construction of Clement Taylor Park.

According to the City Manager, the county is still working with the Treasury Department to move the park forward. The city is waiting for permission from the county since the county is the primary recipient of the funds.

Councilmember Schmidt would like to receive a definitive statement from the county in that regard at the next meeting.

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

## **7. PUBLIC COMMENTS**

Mr. Philip Dorn, a Destin resident and Athletic Director of the Destin High School, noted that they previously presented their proposal for field conversion to the city council back on June 20<sup>th</sup>, and that for 90 days they have met with the Parks and Recreation Committee, the City Manager, and other city staff members. They have brought specific information before the city council including the plans and estimated cost for the renovation of the softball field at Morgan Sports Center. The council's decision is being delayed once again. The field has to be ready by January 23<sup>rd</sup> if they will be allowed to use it. At this time, they are not even sure if they will have home games next season. He urged the council to expedite the process; adding that this is ultimately about doing something for the kids in the community.

Ms. Denise Fountain, Destin High School Governing Board President, thanked the council for the vote tonight. She stated that they have had so many meetings with city staff and collected so much information already. The interlocal agreement was not previously brought up or they would have been happy to create one much earlier. She added that they have to move quickly. Time is of the essence as the baseball season is about to start.

## **8. ADJOURN**

### **ADJOURNMENT**

**Having no further business at this time, the meeting was adjourned at 8:45 PM.**

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**Gary Jarvis, Mayor**

**ATTEST:**

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**Rey Bailey, City Clerk**

## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022  
**TYPE OF AGENDA ITEM:** Action Item  
**AGENDA OUTLINE NUMBER:** 4.A.

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**TO:** City Council

**THRU:** Louis Zunguze, Community Development Director  
Krystal Strickland, Finance Director  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Jeffrey Cozadd, Grants Manager

**DATE:** 9/8/22

**SUBJECT:** Capital Project Management / Matrix Contract

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**I. BACKGROUND:** The city seeks to add a continuing service contractor for Capital Project Management services. The services to be provided include, but are not limited to, pre-design and design services, management of construction, management of post-construction activities, and program management. Capital Project Management services could be provided on a project-by-project basis. Matrix Design Group was recommended to council by the bid committee and council instructed staff to bring them back a contract for their consideration.

**II. DISCUSSION:** Several meetings with Matrix Design Group were held in recent months. We discussed the variety of services that Matrix can provide related to Capital Project Management. At this time, we anticipate Matrix providing Capital Project Management services on larger capital projects. We also do not anticipate Matrix providing any design engineering services at this time as we have a variety of continuing service providers that already perform those tasks for the city.

Individual task orders will be brought to council for consideration on a project-by-project basis. The scope of service for each task order may vary depending on the particular needs of that project.

**A. Link to Strategic Goals / Objectives:** Strategic Goal: financially sound city providing service excellence

**B. Effect on Budget (EOB):** Matrix will charge a project-specific lump sum fee as a



percentage of the total project. For projects less than \$500,000, an 8% fee will be required, for projects between \$500,000 and \$1,000,000, a 6% fee will be required and for projects over \$1,000,000 a 4% fee will be required. Exhibit A of the master service agreement details the fees. A work authorization will be required in order to hire Matrix for a project.

**C. Level of Service (LOS):** The selected vendor will provide construction management and oversight, ensuring both the quality and value of City infrastructure projects.

**D. Legislative Sponsor:**

**III. CONCLUSION:** The city's larger capital projects would benefit from capital project management services.

**IV. RECOMMENDED MOTION:** I move to authorize the City Manager to execute the Master Services Agreement with Matrix Design Group for Capital Project Management.

Attachments:

1. 2022 10 11 - Destin Capital Management
2. MSA Matrix

# Destin Capital Project Management

October 17, 2022



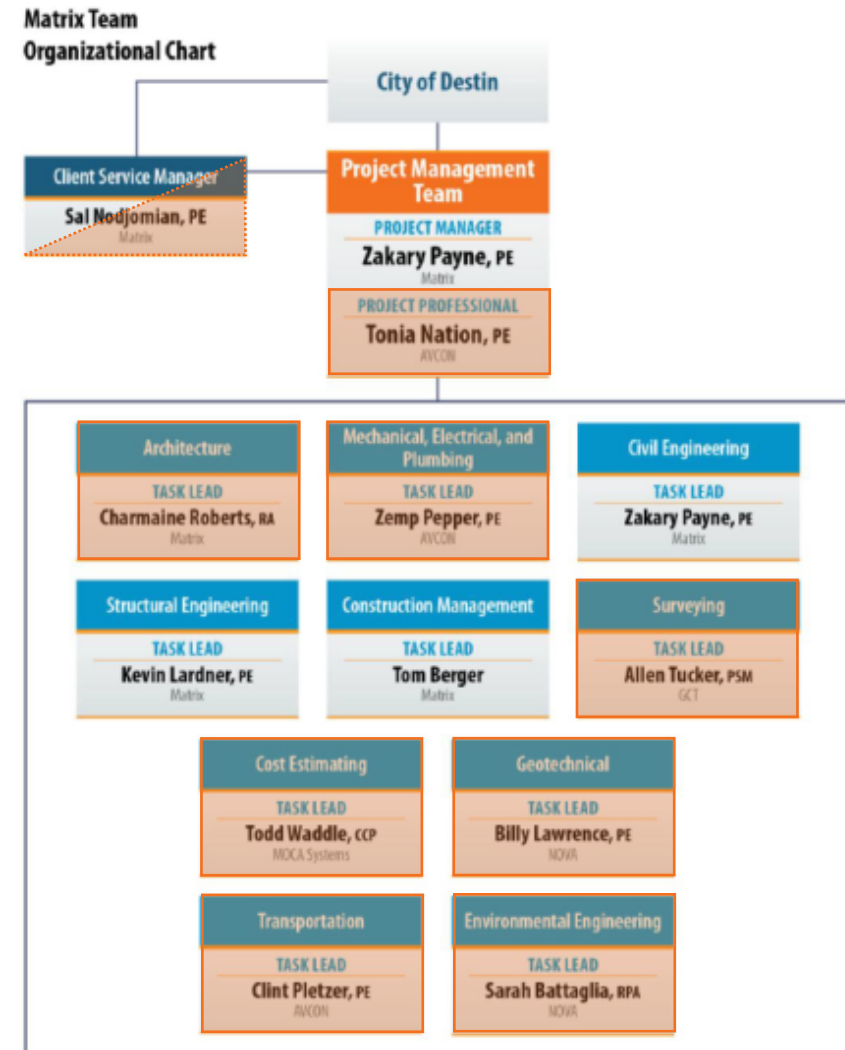
# Agenda

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- **Staffing**
- **Review of Scope of Services**
- **Conflict Avoidance**
- **Review of Master Services Agreement**
  - Language
  - Fee Schedule

# Staffing

- Local core team in orange
- Additional team local to area
  - Calvin Palmer – Civil / Inspector
  - Michael Brooker – Inspector
  - Christine Gentry – LA / Inspector
- Permanent staff adjusted dependent on workload



# Review of Scope of Services

| Task                                       | Percent of Total | Onsite | Reach Back |
|--------------------------------------------|------------------|--------|------------|
| Pre-Design & Design Services               | 20%              | 25%    | 75%        |
| Management of Construction                 | 40%              | 80%    | 20%        |
| Management of Post Construction Activities | 30%              | 80%    | 20%        |
| Program Management                         | 10%              | 15%    | 85%        |

# Conflict Avoidance

- **Only potential conflict in pre-design and design services**
- **Pre-Design and Design Services (from MSA)**
  - *“develop a program which facilitates the use of qualified local design professionals to complete the construction documents...”*
  - *“firm may be allowed to self-perform certain aspects of the design services with prior approval of the City.”*
- **Our expectation... serve as extension of City staff**
  - Develop continuing service solicitation documents
  - Review proposals and submittals from continuing service contractors
  - Oversee electronic document management systems/processes

# Conflict Avoidance

| Tasks Matrix Will Perform (as Tasked)                | Tasks Matrix Will Not Perform                       |
|------------------------------------------------------|-----------------------------------------------------|
| Develop design standards and specifications          | Develop final design and construction drawings      |
| Pre-design planning activities and schematic design  | Serve as general contractor overseeing construction |
| Develop budgets and cash flow schedules              | Serve as onsite construction manager for builder    |
| Solicit and evaluate proposals for design            |                                                     |
| Manage design contracts and review all submittals    |                                                     |
| Prepare bidding documents and construction budgets   |                                                     |
| Organize and manage general contractor selection     |                                                     |
| Provide construction administration services         |                                                     |
| Inspect & accept/reject work performed by contractor |                                                     |
| Review and approve all requests for payment          |                                                     |
| Oversee close-out and punch list completion          |                                                     |
| Secure O&M manuals and all warranty information      |                                                     |



# Review of Master Services Agreement

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- **No show-stoppers**
- **Preferred Additions/Changes**
  - Revised Indemnification (Article 10)
  - Revised Manager's Responsibilities (Article 1)
  - Addition of Force Majeure
  - Addition of Corporate Protection
- **Draft MSA with proposed revisions provided**



# Review of Master Services Agreement

- **Pricing proposed as follows:**
  - Project Specific
    - Lump sum fee as a percentage of total project cost
    - Less than \$500,000 – 8%
    - Between \$500,000 and \$1,000,000 – 6%
    - Greater than \$1,000,000 – 4%
    - Lump sum fee applied like graduated tax rate
      - Ex. \$1,200,000 project =  $\$500K \times .08 + \$500K \times .06 + \$200K \times .04 = \$78,000$
  - First year savings devised through Value Engineering/innovation returned to City; negotiate shared savings on options years

## **MASTER SERVICES AGREEMENT**

This AGREEMENT FOR CAPITAL PROJECT MANAGEMENT SERVICES (the “Agreement”) made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, between the CITY OF DESTIN, FLORIDA (hereinafter referred to as “CITY” or “OWNER”) and Matrix Design Group, Inc. (hereinafter referred to as “MANAGER”).

WHEREAS, the CITY desires to engage the MANAGER to provide continuing general Capital Project Management consulting services; and

WHEREAS, the CITY has followed the selection and negotiation process set forth in the Florida Consultant’s Competitive Negotiation Act, section 287.055, Florida Statutes (and intends to administer this Agreement as a “continuing contract” as allowed under said statute);

NOW, THEREFORE, for and in consideration of the premises, the mutual covenants hereinafter recited, and for other good, valuable, and sufficient consideration, the receipt of which is hereby acknowledged, the CITY and MANAGER agree as set forth below.

## **TERMS AND CONDITIONS OF AGREEMENT BETWEEN CITY AND MANAGER**

### **DEFINITIONS:**

**Additional Services** means the administration, management and consulting services described in Article 1 hereof.

**Agreement** means this Master Services Agreement, including any amendments and supplements hereto executed and delivered in accordance with the term hereof.

**Capital Project Management** means all aspects of the design of all projects with the City of Destin including planning, budgeting, pre-design, schematic design, design development, construction documents, and contract administration.

**City** means the City of Destin

**Effective Date** means the date of the approval of this Agreement by the Destin City Council.

**Fiscal Year** means the period commencing on October 1 of each year and continuing through the next succeeding September 30, or such other period as may be prescribed by law as the fiscal year for the City of Destin.

**Manager** means the Capital Project Management firm.

**Owner** means the City of Destin.

**Work Authorization** shall mean a short description for capital projects managed by the Capital Project Manager. See Exhibit C for an example.

**ARTICLE 1  
MANAGER'S RESPONSIBILITIES**

**1.1 MANAGER'S SERVICES**

- 1.1.1 The MANAGER'S services consist of those services performed by the MANAGER, MANAGER'S employees and MANAGER'S MANAGERS as enumerated in Article 2 of this Agreement and any other continuing or additional services as may be agreed upon pursuant to this Agreement.
- 1.1.2 The MANAGER shall maintain all professional and business certificates required by law and as necessary to perform the services. The MANAGER shall assure the CITY sufficient representation through assignment and performance by a team of qualified, professional employees and MANAGERS.
- 1.1.3 The MANAGER'S services shall be performed with professional skill and care and the orderly progress of the services. Upon request of the CITY, the MANAGER shall submit schedules for the performance of the MANAGER'S services. The schedules may be adjusted as various tasks proceed and shall include allowances for periods of time required for the CITY'S review and for approval of submissions by authorities having jurisdiction.
- 1.1.4 **STANDARD OF CARE:** In providing services under this Agreement, the Consultant shall perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances at the same time and in the same or similar locality. Nothing in this Agreement shall be construed to establish a fiduciary relationship between the parties. The Consultant makes no other representations or warranties, whether expressed or implied, with respect to the services rendered hereunder. The Consultant shall exercise usual and customary professional care in its efforts to comply with applicable codes, regulations, laws, rules, ordinances, and such other requirements ("Laws") in effect as of the date of execution of this Agreement.

**ARTICLE 2 MANAGER'S  
SERVICES**

- 2.1 In accordance with REQUEST FOR QUALIFICATIONS NO. 22-04-ENG ("RFQ") which is hereby incorporated into this Agreement and attached hereto as Exhibit "A", MANAGER shall provide services including but not limited to: studies, surveys; design; preparation of plans, specifications and contract documents; conducting public information meetings, preparation of cost estimates; assist in obtaining necessary federal, state and local governmental agency permits (fees to be provided by the City); construction observation, construction management; contract administration; project completion certifications and as-built surveys as may be required; presentations to the City Council, appointed boards, and the general public;; assistance in identifying and acquiring grants and loans from federal agencies or other applicable sources of funding or as directed by the City Manager or his designee (hereinafter referred to as "MANAGER's services").

**SCOPE OF SERVICES TO BE PERFORMED:**

The City, pursuant to section 287.055, Florida Statutes, "MANAGERS Competitive Negotiations

City of Destin, Florida  
RFQ No. 22-04-ENG: Capital Project Management Services

Act”, is seeking Professional Consulting firms to enter into a “continuing contract” to provide various Capital Project Management Services for the City and shall include but is not limited to all forms of Capital Project Management Services.

The intent of this RFQ is to acquire a broad range of Capital Project Management Services for the City of Destin based on the definition of a “continuing contract” in section 287.055, Florida Statutes. The CCNA defines “professional services” and “continuing contract” as follows:

“Professional services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Section 287.055(2)(a), Florida Statutes.

And

“continuing contract” is a contract for professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$4 million, or for work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another. Section 287.055(2)(g), Florida Statutes.

The scope of required contract, with respect to each construction, renovation, and remodeling project and with respect to the totality of all projects managed by the Capital Project Management firm, includes but is not limited to:

**A. PRE-DESIGN AND DESIGN SERVICES**

The Capital Project Management firm will be fully responsible for all aspects of the design of all projects with the City of Destin including planning, budgeting, pre-design, schematic design, design development, construction documents, and contract administration. The Capital Project Management firm will be required to develop a program which facilitates the use of qualified local design professionals to complete the construction documents so long as the use of such local design professionals constitutes the best and most cost-effective use of public funds. The City understands that in some instances this may not be practical or cost efficient and that, in those instances, the Capital Project Management firm may be allowed to self-perform certain aspects of the design services with prior approval of the City. The scope of pre-design and design services include but are not limited to:

1. Develop project-specific specifications as required within approved budget parameters and with the consultation and involvement of City and/or their designated personnel.
2. Develop design standards and master specifications to promote replication and re-use of plan components among projects when appropriate. Additionally, pre-established specifications shall be incorporated in all design and construction projects.
3. Develop a master program budget and cash flow schedule for each and all of the program phases and component projects and items of work and categories of expense

City of Destin, Florida  
RFQ No. 22-04-ENG: Capital Project Management Services

within each such project including site acquisitions, infrastructure development, legal fees, building permits, testing, environmental remediation, all aspects of construction, buildings, furnishings, fixtures, playgrounds/athletic fields, landscaping, and contingencies. Maintain strict cost controls to meet price guarantees for all design and construction services. Capital Project Management Services firm shall draft estimates for planning purposes and as a reasonable check against bids to be received.

4. Develop, maintain and share with the City an electronic document management system for all plans, construction documents, record drawings, legal documents, financial schedules, and other schedules and documents related to all work undertaken.
5. Schedule and coordinate all site testing and analysis, geotechnical tests, surveys and environmental analyses required for the projects. These sub consultants will be contracted directly to the Capital Project Management firm and/or the design professional under contract to the Capital Project Management firm.
6. Develop all required submittals to all local, state, and federal agencies and represent the City in securing all necessary reviews and approvals.
7. Ascertain and qualify the City for incentive awards and funding from state or federal government based on the use of cost-effective designs and construction methods.
8. Solicit, receive, and evaluate proposals, manage interviews, and negotiate contracts for professional design services consultants (architects/engineers) for those projects within the Capital Project Management firm's assigned program of work. Recommend the selection of architects to the City in accordance with the State of Florida Consultant's Competitive Negotiation Act. Review designs and plans as they are being developed and oversee all phases of design for constructability within budget and for consistency with design standards.
9. Manage and oversee the services, contracts, and payments to consultants.
10. Develop a master schedule for the entire program and each component project showing duration, responsibility, and precedence for all activities (Gantt chart). Taking into account the available labor pool and market demands on contractors and
11. subcontractors, publish and manage specific timetables in order to avoid slowdowns due to material or labor shortage and ensure orderly, continual progress on all aspects of construction. Develop preliminary and master bidding schedules for all phases of all projects.
12. Provide value engineering, quality assurance, and quality control review and services.
13. Develop necessary strategies for bulk purchasing or early procurement of major building systems to achieve optimum price advantages.
14. Assist the City and its staff in the planning and development of the overall capital improvement program and its prioritized project listing to complete the work within the time period specified and to comply with requirements of bondholders, if any, as well as state or federal agencies as to design or construction requirements. Assist the City's Chief Financial Officer as may be needed in the analysis of the funding requirements

associated with this work.

**B. MANAGEMENT OF CONSTRUCTION**

1. Conduct technical review of plans, prepare bidding documents, and conform final plans to budget and timetable so as to substantially reduce subsequent change orders.
2. Organize and manage the process of selecting contractors and vendors by others by either (A) pre-qualifying bidders, filing all legal notices, leading all pre-bid conferences, managing bid opening, evaluating bids, and recommending bid awards to the City or (B) enter into negotiations for required construction services based on qualifications as may be allowed by Florida law and holding all such subcontracts negotiated.
3. Develop and administer a City direct payment program for materials and supplies that are to be incorporated into the work.
4. Provide continuous on-site construction management throughout the construction phase for all projects as may be assigned by the City. This service shall include but not be limited to:
  - a. Function as the overseer and City's representative with respect to all contractors and vendors not holding direct contracts with the Capital Project Management firm.
  - b. Conduct regular weekly on-site meetings for each project involving the design firm, other consultants as needed, contractors, and principals or their designees.
  - c. Maintain daily on-site project log and schedule for each project and each component of each project.
  - d. Provide a superintendent with direct performance responsibility and on-site duties for each major project and each group of smaller projects. The Capital Project Management firm's superintendent will oversee day-to-day job activities, inspect work for conformance with plans and specifications, ensure compliance with construction budgets and schedules, oversee quality assurance testing, and inspection programs including job safety, and maintain record copy of all contract documents on site.
5. Manage and oversee the services, contracts and payments to contractors and consultants for those projects which are assigned by the Owner to a Construction Manager for completion.
6. Review and approve all requests for payment for all construction services according to a draw schedule developed upon award of construction contract with input by City's Finance Director.
7. Update and manage performance according to project schedules, detailed contractor and subcontractor schedules, submittal schedules, inspection schedules, and occupancy schedules. Maintain project Gantt charts to be

submitted regularly to the City.

8. Manage change orders including implementing a system for reviewing, verifying, and processing any requests for changes. Estimate all change order costs, seek alternative methods of accommodating needs within budget, negotiate change orders with vendors, and present all change orders to the City.

C. MANAGEMENT OF POST-CONSTRUCTION ACTIVITIES

- a. Develop detailed schedules of close-out activities, solicit punch list items from assigned City representatives or district personnel, verify correction of defects and completion of unfinished items, perform electrical, structural, and other inspections, and certify substantial and final completion of each project to the City.
- b. Coordinate certificates of occupancy for each project either directly or through a Construction Manager. Manage installation of all equipment and coordinate staff move-in and orientation to use of new or remodeled facilities either directly or through a Construction Manager.
- c. Develop and present to the City specific performance reports on each project, including compliance with specifications, budgets, and schedules.
- d. Secure manuals and warranties including collecting and organizing all operating manuals and warranty documents and establishing parallel files for such items at both the affected site and the City office. Carry out training of maintenance and other personnel in operation and maintenance of new systems associated with the completion of remodeling, addition, renovation, or new construction projects.
- e. Assist City personnel in the updating of reports required by the State of Florida upon completion of individual projects, work authorizations and the overall program.

D. PROGRAM MANAGEMENT

- a. For each project program management responsibilities include developing a project approach, work breakdown structure for management of cost, schedule, scope, resources, as well as plans and procedures for key elements of project management and delivery.
- b. Based on input from the Owner, designers and consultants develop individual project schedules, in differing formats, including but not limited to critical path method, Gantt charts, milestone, master schedules, resources loaded, prioritization, etc. and a master rolled-up schedule for the entire project. The master schedule shall show activities, durations, relationships, key milestones and critical path elements. Review and analyze overall progress during the planning, design, land acquisition, construction and commissioning phases. Update the program master schedule regularly (no less frequently than quarterly), to include current information regarding progress of the project. Project schedules shall be developed and

maintained for capital projects.

Services of the MANAGER shall be under the general direction of the City Manager's designee, who shall act as the City's representative(s) during the performance of the scope of services. The City Council shall also designate a member to act as a liaison between the City Council and MANAGER.

### **ARTICLE 3 MANAGER'S COMPENSATION**

- 3.1 MANAGER shall be compensated in accordance with the Fee Schedule attached hereto as Exhibit "B".
- 3.2 CITY'S obligation to pay the amount due hereunder in any fiscal year is contingent upon the appropriation by the CITY'S City Council of legally available funds for the purposes set forth in this Agreement. All payments upon Agreement are contingent upon the MANAGER'S Work being acceptable to the CITY. For satisfactory completion and acceptance of the Work, the CITY agrees to pay the MANAGER in accordance with the CITY'S Purchasing Policies.
- 3.3 Increases in the MANAGER's Fee Schedule, attached as Exhibit "B", may occur annually starting one year after contract execution. The increase must be requested in writing by the MANAGER. The annual rate of increase shall not exceed three percent (3%) or the Bureau of Labor Standards Producer Price Index, whichever is lower and shall be based on actual salary increases to employees of the MANAGER. The MANAGER shall provide documentation of salary changes upon request by the CITY. Upon CITY review and approval, the CITY shall issue a letter of approval signed by the City Manager or his or her designee.

### **ARTICLE 4 CITY'S RESPONSIBILITIES**

#### **4.1 CITY SERVICES**

- 4.1.1 The CITY shall designate a representative authorized to act on the CITY'S behalf as the MANAGER'S contact. The CITY or such authorized representative shall render decisions in a timely manner pertaining to documents submitted by the MANAGER in order to avoid unreasonable delay in the orderly and sequential progress of the MANAGER'S services. All information and document submittals shall be made directly to this individual.
- 4.1.2 The CITY shall provide copies of ordinances, maps, studies and any other such documents as are on file with the City and of use to the MANAGER in performing the MANAGER'S services.
- 4.1.3 The CITY shall give prompt written notice to the MANAGER if the CITY becomes aware of any fault or defect in the services performed or nonconformance of the MANAGER'S



work products.

**ARTICLE 5  
OWNERSHIP AND USE OF DOCUMENTS**

- 5.1 The documents prepared by the MANAGER pursuant to this Agreement are instruments of the MANAGER'S service for use solely with respect to this Agreement.
- 5.2 All reports, documents and materials prepared relating to services rendered hereunder shall be the property of the CITY provided payment of applicable fees for its production has been made to the MANAGER in accordance with the terms of this Agreement. The CITY shall retain and use the MANAGER'S documents for public record, information and reference and make use in connection with the CITY'S compliance with any federal, state, county or city laws, codes, requirements, permits or any other mandate whatsoever.

**ARTICLE 6  
TERMINATION, SUSPENSION OR ABANDONMENT**

- 6.1 This Agreement may be terminated by the CITY upon not less than ten (10) days written notice should the MANAGER fail substantially to perform in accordance with the terms of this Agreement through no fault of the CITY.
- 6.2 This Agreement may be terminated by either party for any reason upon not less than thirty (30) days written notice.
- 6.3 The CITY may suspend an open Work Authorizations upon not less than ten (10) days written notice.
- 6.4 The City will comply with the State of Florida Prompt Payment Act. If the CITY fails to make payment, within the forty-five (30) days of invoice approval permitted under Florida Statutes, when due the MANAGER for services and expenses, the MANAGER may, upon seven days written notice to the CITY, suspend performance of services under this Agreement. Unless the MANAGER receives payment in full within fifteen (15) days of the date of the notice, the suspension shall take effect without further notice.
- 6.5 In the event of termination not the fault of the MANAGER, the MANAGER shall be compensated for services performed prior to termination, together with reimbursable expenses.

**ARTICLE 7  
NOTICES**

- 7.1 All Notices under this Agreement shall be in writing and shall be effective when mailed by certified mail, return receipt requested, or when delivered personally, as provided hereafter or to such other addresses as may be designated by notice:

**CITY OF DESTIN**

Lance Johnson, City Manager  
City of Destin  
4200 Indian Bayou Trail  
Destin, Florida 32541  
(850) 837-4242

**MANAGER**

Sal Nodjomain, CEO  
Matrix Design Group Inc.  
707 17<sup>th</sup> Street Suite 3150  
Denver, Colorado 80202  
303-572-0200

## **ARTICLE 8**

### **INSURANCE REQUIREMENTS**

- 8.1 During the performance of services under this Agreement, MANAGER shall maintain Commercial General Liability, Business Automobile Liability (including hired and non-owned coverage) and Professional Liability. Such coverage shall adequately protect the interest of the CITY in regard to all exposures including design defects and subsequent costs and lost revenue to loss associated with this Agreement. In no circumstance shall the limit of liability be written with limits less than \$1,000,000.00 per event/\$2,000,000.00 annual aggregate. MANAGER shall also maintain Workers' Compensation Insurance at a minimum of the statutory limits. The Workers' Compensation Policy shall contain a waiver of subrogation in favor of the CITY. MANAGER shall furnish CITY certificates of insurance which shall include a provision that such insurance shall not be cancelled or coverage reduced, without at least 30 days written notice to the CITY. All coverage shall be with carriers admitted doing business in the State of Florida. Carriers shall be A+ rated by A M Best Company. The Commercial General Liability, Business Automobile and Workers' Compensation policies shall name City of Destin, Florida as an Additional Insured. City of Destin, Florida shall be listed as the Certificate Holder on all certificates. CITY reserves the right to modify its insurance requirements with sixty (60) days written notice to MANAGER.
- 8.2 MANAGER shall supply certificates of insurance specifically stating the RFQ number and title for all coverages required herein prior to execution of this Agreement, such evidence of which shall be attached hereto as Exhibit "C" and made a part hereof.
- 8.3 The required insurance policies shall contain the following provisions:
- 8.3.1 There are not to be any special limitations on the protection being provided to the CITY, its officials, employees or volunteers.
- 8.3.2 The MANAGER shall provide timely reporting of incidents to its insurance carrier as required under the provisions of its insurance policies. A copy of any filed reports shall also be sent immediately to the CITY. The MANAGER shall exercise due diligence to ensure all reporting provisions are met to protect coverage afforded to the CITY, its officers, officials, employees or volunteers.
- 8.4 Verification of coverages and continuations of coverage, provision of certificates and endorsements and authorized signatures shall be made in accordance with the following:
- 8.4.1 Insurance coverage required in these specifications shall be in force throughout this Agreement. Should the MANAGER fail to provide acceptable evidence of current insurance within seven (7) days of receipt of written notice at any time during the Agreement, the CITY shall have the right to consider the Agreement breached and justifying termination thereof.

## **ARTICLE 9**

### **SOVEREIGN IMMUNITY**

- 9.1 The parties further agree that nothing contained herein is intended to nor shall be construed as a

waiver of the City's rights and immunities under the Florida Constitution, common law or section 768.28, Florida Statutes, as amended from time to time.

**ARTICLE 10  
INDEMNIFICATION**

- 10.1 MANAGER shall indemnify, save, and hold the CITY, its officers and employees, harmless of and from losses, costs, damages, suits, and liabilities, including reasonable attorney's fees (including regulatory and appellate fees), to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the MANAGER, its officers, and employees in the performance of the Agreement.

**ARTICLE 11  
MISCELLANEOUS PROVISIONS**

- 11.1 The CITY and MANAGER intend that this Agreement and the relationship of the parties shall be governed by the laws of the State of Florida. Venue for any action arising out of this Agreement between the parties shall be exclusively in the state courts of Okaloosa County, Florida and nowhere else.
- 11.2 All of the representation and obligations of the CITY and MANAGER are contained in this Agreement and no modification, waiver or amendment of this Agreement or any of its conditions or provisions shall be binding upon a party unless made in writing signed by that party or a duly authorized agent of that party who is empowered by a written authority signed by that party. The waiver by any party of a breach of any provision of this Agreement shall not operate to be construed as a waiver of any subsequent breach of that provision by the same party, or of any other provision or condition of the Agreement.
- 11.3 Causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of completion, or the date of issuance of the Final Certificate for Payment for acts or failures to act occurring after completion.
- 11.4 This Agreement represents the entire and integrated Agreement between the CITY and MANAGER and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both CITY and MANAGER.
- 11.5 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the CITY or MANAGER.
- 11.6 MANAGER warrants that it has not employed or retained any company or person, other than a bonafide employee working solely for the MANAGER to solicit or secure this Agreement and that it has not paid or agreed to pay any person, company, corporation, individual or firm, other than a bona fide employee working solely for the MANAGER any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award or making of this Agreement.
- 11.7 Where MANAGER is required to enter upon CITY property to deliver materials or perform work or services, as a result of this Agreement, MANAGER shall assume full duty, obligation, and expense of obtaining all necessary licenses, permits, inspections and insurance, as required.
- 11.8 The headings of articles, paragraphs and subparagraphs are for convenient reference only and shall

City of Destin, Florida  
RFQ No. 22-04-ENG: Capital Project Management Services

not be deemed to limit, construe affect, modify or alter the meaning of such articles, paragraphs or subparagraphs.

- 11.9 The parties have participated jointly in the negotiation and drafting of this Agreement. In the event an ambiguity or question of intent or interpretation arises, this Agreement shall be construed as if drafted jointly by the parties and no presumption or burden of proof shall arise favoring or disfavoring any party by virtue of the authorship of any of the provisions of this Agreement.
- 11.10 If any article, paragraph, subparagraph, section, subsection, term or provision of this Agreement or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said article, paragraph, subparagraph, section, subsection, term or provision of this Agreement or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable, shall not be affected thereby and each remaining article, paragraph, subparagraph, section, subsection, term or provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.
- 11.11 In any dispute relating to this Agreement each party shall be responsible for its respective attorney's fees and costs.
- 11.12 This Agreement is binding on the parties, their successors and assigns.
- 11.13 Public records. MANAGER shall comply with Florida Public Records Laws, specifically to:
  - 11.13.1 Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
  - 11.13.2 Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
  - 11.13.3 Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
  - 11.13.4 Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the MANAGER upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.
  - 11.13.5 CORPORATE PROTECTION: It is intended by the parties to this Agreement that the Consultant's services in connection with the Project shall not subject the Consultant's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary contained herein, the Client agrees that as the Client's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against the Consultant, a [insert state] corporation, and not against any of the Consultant's individual employees, officers or directors.
  - 11.13.6 FORCE MAJEURE: If an event or circumstance beyond the Consultant's reasonable control occurs, including without limitation an act of God, fire, flood,

hurricane, wind event, storm, weather disturbance, earthquake, pandemic, disease, epidemic, or other viral or bacterial outbreak, government-ordered shutdown, quarantine or shelter-in-place order, an act or omission of a third party, strike, war, riot, terrorism or threat of terrorism, civil unrest, or any other event or circumstance not within the reasonable control of the Consultant, whether similar or dissimilar to any of the foregoing, that cause the Consultant delay or additional expense ("Force Majeure Event"), then the Consultant is entitled to an equitable adjustment in the contract price or time for performance, or both. If any Force Majeure Event renders the Consultant's performance impossible or impracticable, the Consultant has the right to terminate performance under this Agreement consistent with any termination requirements that might exist in this Agreement. Upon occurrence of a Force Majeure Event, the Consultant will notify the Client within a reasonable time that a Force Majeure Event has occurred and its anticipated impact on the Consultant's performance, including its expected duration. The Consultant will use reasonable efforts to mitigate the impact of any Force Majeure Event on the Consultant's ability to perform under this Agreement.

City of Destin, Florida  
RFQ No. 22-04-ENG: Capital Project Management Services

**THIS AGREEMENT ENTERED INTO AS OF THE DAY AND YEAR FIRST WRITTEN ABOVE.**

CITY:

MANAGER:

\_\_\_\_\_  
Lance Johnson  
Its: City Manager

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date:

Attest to Signature:

Witness to Signature:

\_\_\_\_\_  
Rey Bailey  
City Clerk

SEAL

\_\_\_\_\_  
Print Name: \_\_\_\_\_

Witness to Signature:

Approved as to Legal Form:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Kyle Bauman  
City Attorney

EXHIBITS

- A. Fee Schedule
- B. Work Authorization Example
- C. Certificates of Insurance

**EXHIBIT A**  
**MASTER SERVICE AGREEMENT**  
**CAPITAL PROJECT MANAGEMENT**  
**FEE SCHEDULE**

1. RETAINER FEE WILL NOT BE IN PLACE AT THIS TIME. IT MAY BE ADDED LATER IF ADDITIONAL SERVICES ARE DESIRED.

Manager will be paid a set monthly amount of \$X. This monthly amount will act as a retainer. Manager will track time and materials and invoice the City monthly. Any time more than \$X will be paid based upon the billable hourly rates for the approved positions at the rates listed below. The rates will be subject to an annual increase of three percent (3%) or the Bureau of Labor Standards Producer Price Index, whichever is lower and shall be based on actual salary increases to employees of the MANAGER.

| Classification             | Hourly Rate |
|----------------------------|-------------|
| Principal                  | \$325.00    |
| Executive Vice President   | \$250.00    |
| Senior Vice President      | \$235.00    |
| Vice President             | \$220.00    |
| Senior Executive Associate | \$205.00    |
| Executive Associate        | \$195.00    |
| Senior Associate           | \$180.00    |
| Associate                  | \$160.00    |
| Senior Consultant          | \$145.00    |
| Consultant III             | \$130.00    |
| Consultant II              | \$120.00    |
| Consultant I               | \$105.00    |
| Professional III           | \$115.00    |
| Professional II            | \$100.00    |
| Professional I             | \$90.00     |
| Staff V                    | \$115.00    |
| Staff IV                   | \$95.00     |
| Staff III                  | \$85.00     |
| Staff II                   | \$75.00     |
| Staff I                    | \$55.00     |

2. Manager will also be entitled to compensation equal to a percentage of the construction total to manage capital projects as shown in the table below. Fee will be applied in a graduated manner similar to tax rates.

|                                                |                 |
|------------------------------------------------|-----------------|
| Project cost up to \$500,000                   | Fee equal to 8% |
| Project cost between \$500,000 and \$1,000,000 | Fee equal to 6% |
| Project cost greater than \$1,000,000          | Fee equal to 4% |

Example: A \$1,200,000 project would result in a fee of \$78,000 (\$500,000 \* 8% + \$500,000 \* 6% + \$200,000 \* 4%)

## EXHIBIT B

*[Provided for example only Specific payment terms to be negotiated]*

### **WORK AUTHORIZATION NO. YY-XX**

### **CAPITAL PROJECT MANAGEMENT**

To

City of Destin  
Destin, Florida

And

Capital Project Management Firm  
Address

#### 1. SUMMARY OF SERVICES TO BE RENDERED

Under this Work Authorization, Capital Project Management firm will perform capital project management services related to Destin's ABC Project. Specifically, CPM will provide capital project management services related to design phase of the project.

Authorization of capital project management services related to the bidding and construction phases of this project will be included by separate Amendment to this Work Authorization upon commencement of those phases.

#### 2. Project Cost Project number:

Total Lump Sum:

The lump sum fee for these services is \$ \_\_\_\_\_, which is based upon a fee of X% of the total project costs (design phase) as summarized below. This fee shall be paid in monthly payments based on a 6-month schedule, with the first payment upon issuance of the Notice to Proceed and the second payment upon receipt of the related operating permit.

Total Project Costs:

|                               |    |
|-------------------------------|----|
| Design (Destin's ABC project) | \$ |
| Capital Project Management    | \$ |
| Total                         | \$ |



City of Destin, Florida  
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3. Project Schedule

The Design/Construction Phase related to this project is scheduled to be complete within number (#) months from the date work authorization is signed by both parties.

4. Notice

\_\_\_\_\_  
CPM Firm President

\_\_\_\_\_  
CPM Firm, Vice Pres.

Certification the Sufficient Funds are Available:

\_\_\_\_\_  
City of Destin

\_\_\_\_\_  
General Counsel

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 2022

## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022**TYPE OF AGENDA ITEM:** City Manager Report**AGENDA OUTLINE NUMBER:** 4.B.**TO:** City Council**THRU:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney  
Kyle Bauman, City Attorney  
Webb Warren, Deputy City Manager  
Lance Johnson, City Manager**FROM:** Krystal Strickland, Finance Director**DATE:** August 8, 2022**SUBJECT:** Water Quality Improvement Fund (Resolution 22-13)

**I. BACKGROUND:** In 1987, the City of Destin adopted a Coastal Management element in the City's Comprehensive Plan which included a Net Positive Environmental Benefit fee to protect water quality within the Destin Harbor as part of Ordinance 087. This Ordinance 087 was subsequently amended and later codified in the City's Land Development Code at Section 4.06.00 Harbors and Waterways Board and Section 11.05.00 Marina Siting, both of which are attached. Comprehensive Plan Policy 6-1.2.3 states the fees collected shall be "earmarked to a water quality improvement fund". Staff recommend reclassifying this bank account and the related revenues and expenditures into a proposed new fund to be called the "Water Quality Improvement Fund". The full verbiage of Comprehensive Plan Policy 6-1.2.3 are attached.

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 (MOU) with the Florida Department of Environmental Protection. 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 recommend reclassifying this bank account and the related revenues and expenditures into the proposed special revenue fund to be called the Water Quality Improvement Fund. The full ordinance with the related MOU are attached.

Resolution 22-13 does not change the geographic scope in which these funds are collected.

**II. DISCUSSION:** The Water Quality Improvement Fund will be set up as fund 127, a special revenue fund. Special revenue funds are for committed or restricted funds that may be used for either operating or capital projects. Special revenue funds are budgeted annually. In contrast, Capital Project funds are not to be used for operating and maintenance.

Staff recommend reclassifying the NPEB funds from the 315 Restricted Capital Projects fund into this fund to better accommodate acceptable uses of the NPEB funds, which includes maintenance and repair of infrastructure or ecology programs that improve or maintain water quality in the Destin Harbor. The NPEB fees collected will continue to be tracked with their own revenue and expenditure accounts, and will keep their own bank account so as to not be commingled with other city revenues.

In addition, staff also recommend reclassifying the Stormwater Trust fund from the 315 Restricted Capital Projects fund into the new 127 special revenue fund for Water Quality Improvement. This will allow for annual budgeting of maintenance and repairs for the stormwater discharge units described in Ordinance 275 and the related MOU with FDEP, which discharge into the Destin Harbor. The Stormwater Trust funds will continue to be tracked with unique expenditure accounts and the bank account will continue to be maintained separately so as not to commingle these funds with other city revenues.

- A. Link to Strategic Goals / Objectives:** A green and sustainable environment
- B. Effect on Budget (EOB):** The Stormwater Trust and NPEB revenues, expenditures, and bank accounts are currently combined with impact fees in a restricted capital project fund. Adopting this change will reduce the 315 restricted capital project fund and will increase the 127 special revenue fund, allowing for improved budgeting of allowable operating expenditures.
- C. Level of Service (LOS):** Improved transparency, improved budgeting, and improved accounting.
- D. Legislative Sponsor:**

**III. CONCLUSION:** Staff recommend adopting a Water Quality Improvement Fund as a special revenue fund to track activity of the Stormwater Trust Fund and NPEB fees.

**IV. RECOMMENDED MOTION:** I move to adopt Resolution 22-13 - Water Quality Improvement Fund to track activity of the Stormwater Trust Fund and NPEB fees collected.

Attachments:

1. Resolution 22-13 -- Water Quality Improvement Fund - amended final
2. 4.06.00. \_\_\_ Harbors\_and\_waterways\_board
3. 11.05.00. \_\_\_ Marina\_siting\_

4. ORD 275 Stormwater Trust Fund
5. Comprehensive Plan NPEB 6-1.2.3

## **RESOLUTION 22-13**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, CREATING THE WATER QUALITY IMPROVEMENT FUND; PROVIDING FOR SEVERABILITY; SUPERCEDING ALL CONFLICTING RESOLUTIONS AND POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, in 1987 the City Council of the City of Destin, Florida (the “City Council”) adopted Ordinance Number 87 (as amended and codified in the City’s Land Development Code) requiring that prior to issuance of a building permit, an applicant pay a Net Positive Environmental Benefit (“NPEB”) to the City equal to 25 percent of the cost of construction authorized by City of Destin Code of Ordinances, Article 11, Coastal Management and Conservation, when that construction is located within the Destin Harbor; and

**WHEREAS**, City of Destin Comprehensive Plan Policy 6-1.2.3 requires the City to continue administering its NPEB program to assess a fee supporting the funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor; and

**WHEREAS**, Policy 6-1.2.3 requires NPEB funds to be earmarked to a water quality improvement fund used only to pay for infrastructure improvement or ecological projects benefitting water quality or ecology within Destin Harbor; and

**WHEREAS**, on July 3, 1995, the City Council adopted Ordinance Number 275, creating the Destin Harbor Stormwater Trust Fund (the “DHSTF”); and

**WHEREAS**, the DHSTF was created in coordination with the Florida Department of Environmental Protection (“FDEP”) and requires applicants constructing or rehabilitating commercial or multi-family residential boat slips in the harbor to pay monies into the Stormwater Trust Fund in lieu of statutory mitigation efforts; and

**WHEREAS**, the DHSTF is intended to be used for construction and maintenance of stormwater treatment facilities that treat stormwater discharge from US Highway 98 into Destin Harbor; and

**WHEREAS**, after the stormwater treatment facilities’ construction, funds remaining in the DHSTF must be used for the maintenance of the stormwater treatment facilities unless there is an excess of funds annually to maintain the stormwater treatment facilities, in which case the excess funds may be spent on other water quality programs benefitting the Destin Harbor; and

**WHEREAS**, collectively, the NPEB and Stormwater Trust Funds will heretofore be referred to as, collectively, the “Destin Harbor Water Quality Funds”; and

**WHEREAS**, even though the allowable expenditures of the Destin Harbor Water Quality Funds include operating expenses enhancing water quality in the Destin Harbor, both funds are

currently located in separate Restricted Capital Projects Funds, which do not allow for annual budgeting of operating expenses such as maintenance; and

**WHEREAS**, the City has a need to utilize the Destin Harbor Water Quality Funds for permissible operating expenditures relating to enhancing water quality in the Destin Harbor; and

**WHEREAS**, reclassifying the Destin Harbor Water Quality Funds into a special revenue fund called the “Water Quality Improvement Fund” will permit the Destin Harbor Water Quality Funds to be expended on operating expenditures enhancing water quality in the Destin Harbor; and

**WHEREAS**, the Water Quality Improvement Fund will maintain separate bank accounts with separate revenue and expenditure accounts for the NPEB funds and the DHSTF; and

**WHEREAS**, geographical and other restrictions on expenditures described in Destin City Ordinance Numbers 87.1 and 275 remain in full force and effect; and

**NOW, THEREFORE**, The City Council of the City of Destin, Florida, does hereby declare and establish the following:

**Section 1. Recitals.**

1. The foregoing recitals are true and correct, and incorporated into this Resolution.

**Section 2. Creation of the City of Destin, Florida’s Water Quality Improvement Fund**

2. The City Council hereby creates a special revenue fund known as the Water Quality Improvement Fund, which shall consist of the Destin Harbor Water Quality Funds. Separate bank accounts with separate revenue and expenditures accounts for the NPEB funds and DHSTF shall be maintained. Funds in the Water Quality Improvement Funds may be expended on either capital projects or operating expenses in a manner not inconsistent with Destin City Ordinance Numbers 87.1 and 275.

**Section 3. Inconsistent and Conflicting Resolutions and Policies Superseded.**

3. This Resolution shall supersede all inconsistent or conflicting Resolutions or policies to the extent these Resolutions or policies are inconsistent or conflicting for the time this Resolution is in effect.

**Section 4. Severability.**

4. If any portion of this Resolution is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Resolution.

**Section 5. Effective Date.**

5. This Resolution shall be effective immediately upon adoption.

**PASSED AND DULY ADOPTED BY THE CITY COUNCIL OF THE CITY OF DESTIN,  
FLORIDA THIS \_\_<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

---

GARY JARVIS, MAYOR

ATTEST:

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE CITY OF DESTIN

---

REY BAILEY, CITY CLERK

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KIMBERLY ROMANO KOPP, ESQ.,  
CITY LAND USE ATTORNEY

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#### **4.06.00. Harbors and waterways board.**

4.06.01. *Composition; appointment; terms of members.* The Destin Harbors and Waterways Board continues and consists of seven members who shall be appointed by the City Council. All succeeding appointments shall be for a term of four years, or until successors are appointed and qualified. All members shall reside in the City. The board membership shall include, to the extent possible, one commercial fisherman, one pleasure boat owner, one environmentalist, one sports fisherman and one layman.

4.06.02. *Jurisdiction.* The purpose of the board is to monitor the conditions of and impact of growth and development on the tidally influenced waters within and surrounding the City of Destin, herein referred to as the harbors and waterways of Destin.

4.06.03. *Powers.* The board is empowered to:

- A. Inventory all existing and potential sources of pollution and to qualify their relative contributions to the water quality of the harbors and waterways of Destin.
- B. Monitor the overall condition of the harbors and waterways of Destin including, but not limited to, water depths, water quality, dredging activities of public or private entities, violations of litter laws, sanitation requirements or other laws, ordinances, rules or regulations affecting activities in the harbors and waters of Destin and to recommend to the city manager or City Council appropriate action with respect to securing the enforcement of such laws, ordinances, rules or regulations, or the enactment of such ordinances.
- C. Recommend a current comprehensive plan for future growth development and restoration of the harbors and waterways of Destin and amendments thereto, which will upon adoption by the City Council be incorporated in the city's comprehensive plan. Review of other public and private studies and recommendations of merit by the board are encouraged.
- D. Cooperate and consult with city boards and departments, the regional planning council and water management district for planning and performance purposes.
- E. Recommend to the City Council needed actions respecting compliance with assurance programs by any governmental agency.
- F. Recommend funding programs to the City Council including, but not limited to, securing grants or other public or private application funding, soliciting donations, establishing rents and assessing fees.
- G. Recommend to the City Council the purchase, leasing or other acquisition of real or person personal property and disposal thereof.

4.06.04. *Employment of experts.* The board may, with the consent of the City Council, employ consulting technical experts as the need may arise.

4.06.05. *Annual report to City Council's three-year program; cost estimates.* The board shall submit to the City Council, during the month of August, an annual report summarizing the activities of the board for the fiscal year and recommendations made by it to the City Council during the year and the action of the City Council during the year on any and all recommendations made by the board in that or former years. The annual report of the board shall also contain a program for improvements to the harbor plan, year by year, during the three years next ensuing, with cost estimates and recommendations as to how the costs should in the opinion of the board be met.

(Ord. No. 04-08-LC, § 3, 4-19-04)



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## **11.05.00. Marina siting.**

11.05.01. *General regulations; prohibitions.* 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:

- A. No person shall construct or add to an existing dock, seawall, bulkhead, mooring or piling, modify an existing submerged land lease, or conditions thereto, or conduct dredge or fill operations in, or contiguous to, the Harbor or waterways of Destin without first obtaining the proper authorization from the appropriate federal, state and City agencies.
- B. The addition or modification of a boat lift or pilings within an existing legal and conforming boat slip shall not require the review of the Harbor and Waterways Board or the City Council. Rather, a copy of the U.S. Army Corps of Engineers permit, DEP permit, and a homeowner's association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created.
- C. No fish carcasses and debris shall be discharged into the Harbor or waterways of Destin.
- D. No person who maintains or operates a dock shall allow or permit the disposal of fish carcasses, litter, waste petroleum products or other pollutants into the Harbor or waterways of Destin. Trash disposal receptacles shall be anchored to each dock to ensure compliance with the provisions of this article.
- E. No fuel or oil shall be willfully or knowingly discharged in the Harbor or waterways of Destin. No dock which sells fuel or oil shall be constructed, operated or maintained in the Harbor or waterways of Destin unless an oil abatement plan, in accordance with Coast Guard guidelines, is available at each dock. The Destin Harbor and Waterways Board shall review and recommend approval or disapproval of each oil abatement plan to the City Council, which shall have approval authority. Each existing dock which sells fuel or oil shall develop and have approved an oil abatement plan acceptable to the City. All new docks which sell fuel or oil shall develop and have an approved oil abatement plan, which is acceptable to the City, prior to receiving a building permit from the City.
- F. No new or existing dock shall be constructed or modified such that the length of any pier as completed is greater than 20 percent of the width of the Harbor or waterway at the place where the pier is located, or out 200 feet, whichever is less, except in Choctawhatchee Bay.
- G. No piling(s) shall be added to the waterward end of any pier which piling(s) would make the total length of the dock more than 200 feet, or 20 percent of the waterway, whichever is less, except in Choctawhatchee Bay.
- H. No vessel shall be moored or docked on the waterward end of any pier of the maximum legal length, as determined pursuant to subsection F above, for more than 72 hours.
- I. No dock shall be constructed which permits the commercial docking of boats with on-board toilets unless such the dock is equipped with a sewage pump-out.
- J. No dock shall be constructed which permits the docking of a live-aboard unless such vessel has an operable holding tank.
- K. No boat shall be moored in the Harbor or waterways of Destin such that constitutes a hazard to navigation.
- L. No dock shall be constructed such that it constitutes a hazard to navigation.

- 
- M. Excepting docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, no dock shall be longer than the width, at the mean high-water line, of the lot to which the dock is attached.
    - 1. For those docks connected to uplands zoned SHMU, or those located on Choctawhatchee Bay, a dock may be constructed to a length of 1.5 times the width of the property at the mean high-water line, provided the length of the dock not exceed the maximum length established by paragraphs F and G above.
    - 2. For the purpose of this subsection, lots may be combined with neighboring lots. However, no dock may exceed the limitations specified in subsection F above.
  - N. No dock shall be constructed or modified such that slip density exceeds one slip per eight lineal feet of waterfront footage except that, on canals, no lot may have more than one slip per 45 linear feet of waterfront. However, all lots riparian to a canal shall be entitled to at least two slips on the canal.
  - O. No boat or vessel, entering into, exiting or operating within the Destin Harbor shall operate at such speed that would create a wake that endangers other boats or vessels, swimmers or other persons within the Destin Harbor, or would contribute to any adjacent land erosion.
  - P. No heated or cooled water may be emitted into the Harbor, waterways, or the Harbor canals other than from a boat.
  - Q. No pier shall extend more than six feet into a canal right-of-way.
  - R. No discharge of water shall contain phosphorous or any other substance likely to cause a violation of the water quality standards specified in Chapter 17-302, Florida Administrative Code.
  - S. No dock or vessel shall be placed within the 25-foot setback of a property line without providing prior written notification to the adjoining landowners and requesting their response. Any objections received from the adjoining property owners will be considered by the Harbor and Waterways Board in their recommendations to the City Council.
  - T. No dock shall unreasonably interfere with the riparian rights of others.
  - U. No dock of 100 feet or longer shall be constructed unless a white navigation/security night-light is 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. All existing docks 100 feet or longer shall install and operate a navigation/security light pursuant to this subsection. Each light shall be installed within 90 days after adoption of this Code.
  - V. No commercially operated boat docking facilities shall be permitted or operated unless equipped with firefighting facilities as specified by the City.
  - W. No construction shall be allowed which violates any provision of the Standard Building Code, as adopted by the City.
  - X. No electrical or water service upon any dock shall be installed unless a permit is obtained from the Planning Department and Building Department for that service.
  - Y. No person, while operating a boat within the or waterways of Destin shall allow or permit the disposal of fish carcasses, litter, waste, petroleum products or other pollutants into the Harbor or waterways of Destin from such boats.
  - Z. No lot, or multi-contiguous lots, with less than 50 feet of waterfront footage shall be allowed individual docks, unless they are parallel to the shoreline. However, docks may be allowed under the provisions of subsection 11.05.01.M.2.

11.05.02. *Permitting procedures.* The following procedures shall be adhered to by persons desiring to construct a new dock or add to, alter or remodel, add riprap to, or reconstruct an existing dock:

- 
- A. Persons desiring to construct a new dock or add to, alter, remodel, add riprap to, or reconstruct an existing dock shall apply for and obtain a permit and other authorization from the City prior to construction.
  - B. Each applicant shall designate the location of his property on the or waterways of Destin and attach this to the building permit application and must complete the City application form(s).
  - C. Application shall be made by filing with the City, the City's permit application form and a copy of the joint application form used by the United States Army Corps of Engineers, and the Florida Department of Environmental Protection, the requirements of which are expressly adopted herein as they existed on the effective date of this Code, and as they are hereafter amended by said respective agencies.
  - D. A building permit shall be obtained from the City prior to beginning construction, in accordance with City ordinances.
  - E. If the dock is to have more than two slips for commercial use or for use by persons other than the owner, the applicant/owner shall supply a certified copy, from the Okaloosa County Tax Appraiser, of all names, addresses, and property I.D. numbers of the owners of adjacent waterfront property.
  - F. The Harbor and Waterways Board shall review all timely received applications at the next regularly scheduled Harbor and Waterways Board meeting. The City Council shall take final action on the application within 30 days of receipt of all state and federal permits and the Board's recommendation.
  - G. Marinas having ten or more slips and/or non-residential docking facilities shall require a public hearing before the City Council prior to approval.
  - H. Building permits must be obtained within one year of final approval by the City Council or the approval expires and must be resubmitted for reconsideration by both the Harbor and Waterways Board and City Council. The project will be subject to all current regulations of the City.
  - I. The application must be signed by the title of record owner(s) or any long-term lessee of the abutting upland property.
  - J. Applications for permission for dock construction shall include scaled drawings, prepared and certified by a land surveyor or architect, if requested by the Harbors and Waterways Board at the public hearing, and said plans shall include at a minimum:
    - 1. Accurate measurements for depth and width in several locations in the vicinity of the proposed dock.
    - 2. Channels, shoals, obstructions, docks, markers, and proposed improvements.
    - 3. Accurate location of the applicant's shoreline, and the opposing shoreline with corresponding measurements.
    - 4. Riparian lines.
    - 5. Other site specific information.
  - K. In water bodies of less than 100 feet in width, owners of property on the opposing shore to the proposed construction shall be provided with written notification of the proposed construction. Any objections received will be provided to the Harbor and Waterways Board and the City Council.
  - L. Where multiple slips extend from the shore and on multiple-slip docks and for any slip in a canal, aerators or circulation devices shall be required as determined by the City. Such devices shall be required where it is determined that circulation is deemed to be interfered with by the proposed facilities.
  - M. Shorelines shall require protection from erosion as determined by the City.

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- N. A net positive environmental benefit (NPEB), equal to 25 percent of the cost of construction shall be made to the City of Destin by the applicant prior to issuance of a building permit for each construction project authorized by this Article, which is located within the Destin Harbor.
- O. No permit shall be issued by the City until the applicant obtains all authorizations and permits from federal and state agencies, and until the required NPEB funds are paid, if applicable.
- P. All applicants shall apply to the City and must receive preliminary approval for the proposed construction prior to taking any other action. Preliminary approval shall be considered for issuance by the City Council after review and recommendations of the Harbor and Waterways Board. If the application is for joint ownership of a dock, the applicant must obtain written permission from all title of record owners and long-term lessees of the abutting upland property. Upon approval of all appropriate federal and state agencies, final approval from the City Council shall be obtained before a permit is issued.
- Q. The following procedures shall apply to transferring permits:
1. The permit is not transferable without the written consent of the City, which consent shall not be unreasonably withheld. The City Manager, or his designee, shall determine transferability upon recommendation of the Board. The decision may be appealed to the City Council.
  2. Whenever, during a construction project, a permittee transfers title of record to the abutting upland property or leases that property by long-term lease, a request by the original permittee shall be made to the City to transfer the permit. Forms for this purpose may be obtained from the City. Failure to apply for such a transfer within 30 days from the date the abutting upland property is sold or conveyed by long-term lease will result in an additional fee being charged to the original permittee by the City.
  3. At the time of transfer, all construction shall be inspected for compliance with the City's minimum plumbing, electrical and structural requirements and for compliance with the conditions of the existing permit. Fees for said inspections are set forth in Article 18 of this Code. All deficiencies shall be corrected prior to final transfer of the dock.
- R. All construction in the Harbor and waterways of Destin shall require a permit from the City.
- S. The applicant shall be responsible for personal injury or property damage which arises from construction and use of the project to the extent provided by common law.
- T. The City shall retain the right to revoke any permit issued under this Article if the health, safety or welfare of any person or property is in jeopardy, or for any other good cause. If the applicant fails to remove such structure within the time specified upon revocation of the permit, the City shall have the right to immediately remove the same at the cost and expense of the applicant. Good cause shall include, but not be limited to, violation of any permit conditions, or any provision of this Article.
- U. Upon completion of a dock, or other structure requiring a construction permit, a final inspection shall be conducted by the City. After the final inspection is complete, a certificate of occupancy will be issued which shall be a permanent permit for such dock or structure.

11.05.03. *Inspection and repairs.* All construction shall be inspected by the City Building Inspector for compliance with applicable building codes. The permittee shall be responsible for the condition and repair of permitted docks and failure to maintain said docks in a safe condition shall constitute grounds for revocation of the permit.

11.05.04. *Permit revocation.* The City reserves full right, power and authority to revoke a permit at any time for good cause. In the event that permittee fails to remove said structure within the time specified upon revocation of the permit, the City shall have the right to immediately remove same at the cost and expense of the

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permittee. Good cause shall include, but not be limited to, violation of any permit condition, or any provision of this ordinance.

11.05.05. *Liveaboards.* Except in an emergency, no person(s) shall live aboard any boat in Harbor and waterways of Destin for a period exceeding 48 hours without notifying the Environmental Officer, or other City official as designated by the City Manager, and receiving a registration permit. In cases of an emergency, such notification shall be given to the Environmental Officer within three hours after the immediate emergency situation ceases. Proof that each live-aboard boat has an operable holding tank must be furnished to the Environmental Officer at time of notification. All liveaboards must comply with all applicable regulations of the U.S. Coast Guard, Florida Marine Patrol, and City of Destin.

11.05.06. *Joint ownership docks.* Permits may be granted for joint ownership of a dock at the common riparian boundary, subject to the following conditions:

- A. No permits shall be granted to persons other than the title of record owner or long-term lessee of the abutting upland property.
- B. The permit application must be signed by the owner of record or long-term lessee of all abutting upland property having access to the facility.
- C. The permit shall provide that all parties shall have equal rights under the permit and shall be held jointly responsible for compliance with all rules, regulations and conditions set forth in the permit and this ordinance.
- D. The regulations for setbacks apply to joint ownership docks with the exception that docks may be extended over the common property lines.

11.05.07. *Permit for maintenance and cosmetic improvements.* The City Manager, or his designee, may issue permits within the Harbor and waterways of Destin for which maintenance or cosmetic improvement is accomplished to existing facilities. No permit shall be issued for facilities which do not conform to the standard Harbor drawings and the adopted marina siting requirements.

11.05.08. *Registration of structures.* All existing docks, seawalls and bulkheads located within the Harbor and waterways of Destin shall be registered with the City as follows:

- A. The title of record or long-term lessee of all existing structures at the time of adoption of this ordinance shall register such structure with the City within 90 days after adoption of this ordinance.
- B. Each structure shall be re-registered upon any change in ownership or long-term lessee of the abutting upland property.
- C. The City shall be notified upon the expiration of an existing long-term lease by the title of record owner of the abutting upland property.
- D. The City shall be notified by the title of record owner and long-term lessee of the abutting upland property upon the destruction of 50 percent of the replacement value of the structure. The City shall maintain a registration of all docks, seawalls and bulkheads located within the Destin Harbor.

11.05.09. *Exceptions.* Exceptions from the provisions of Section 11.05.01 are as follows:

- A. The Board of Adjustment may approve an exception for docks and pilings to be extended beyond the limits allowed in paragraphs M and N of Section 11.05.01 provided that, in addition to the criteria listed in Section 2.25.03.G, the following criteria is also met:
  - 1. That site-specific environmental conditions would impede placement of slips near or next to the shoreline.
  - 2. That site specific environmental conditions exist that prohibit dredging.

- 
3. That the proposed layout of the dock and pilings does not create a hazard to navigation.
  4. That no additional slips are obtained than would otherwise fit into a dock of the maximum size allowed without the exception.

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.

11.05.11. *Penalties.* Any person found in violation of this article shall be punished by a fine not exceeding \$500.00 or imprisoned for a term not exceeding 60 days or by both such fine and imprisonment. Each day any violation of any provision of this Code continues shall constitute a separate offense.

(Ord. No. 152.40, § 3, 8-6-01; Ord. No. 05-13-LC, § 13, 8-22-05; Ord. No. 07-21-LC, §§ 17, 18, 5-7-07; Ord. No. 07-46-LC, § 3, 12-17-07; Ord. No. 09-01-LC, § 3, 2-17-09; Ord. No. 20-02-LC, § 3, 2-18-20)

Editor's note(s)—As of June 1, 1997, this section (§ 11.05.04 excepted) is superseded by Ord. No. 87.1 (codified as City Code ch. 5, art. III). See appendix B hereto.

## ORDINANCE NO. 275

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, RELATING TO CREATION OF A DESTIN HARBOR STORMWATER TRUST FUND; PROVIDING FOR AUTHORITY; PROVIDING FOR CONTRIBUTIONS TO THE DESTIN HARBOR STORMWATER TRUST FUND IN LIEU OF MITIGATION PAYMENTS TO THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION; PROVIDING FOR A SEPARATE BANK ACCOUNT FOR DESTIN HARBOR STORMWATER TRUST FUNDS; PROVIDING THAT THE CITY ADMINISTER AND MONITOR THE TRUST FUND; PROVIDING FOR CONSTRUCTION AND MAINTENANCE OF A STORMWATER RETRO FIT FACILITY; PROVIDING FOR A MAINTENANCE BUDGET; PROVIDING FOR USE OF EXCESS FUNDS FOR OTHER WATER QUALITY PROGRAMS TO BENEFIT DESTIN HARBOR; PROVIDING FOR ACCESS BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION TO ALL CITY FINANCIAL AND OPERATING RECORDS RELATING TO THE DESTIN HARBOR STORMWATER TRUST FUND; AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the harbor in the City of Destin (hereinafter the "harbor") has experienced significant water quality degradation over the past 50 years from a variety of uncontrolled sources, including untreated stormwater; and

WHEREAS, the City and the Florida Department of Environmental Protection (hereinafter referred to as "DEP") recognize that the harbor is a vital economic resource of the City due to its unique location and use for recreational, sport and commercial fishing vessels; and

WHEREAS, the City, in coordination with the Northwest Florida Water Management District and DEP has implemented a pumping system to attempt to improve water quality in the Destin Harbor caused by past pollutant loading; and

WHEREAS, Section 5-55 (12) of the Code of Ordinances of the City of Destin limits the number of boat slips within the harbor and creates a harbor master to protect the harbor; and

WHEREAS, the City is committed to further restoration measures and protection of the harbor by establishing a stormwater treatment facility and maintenance program to correct and treat currently untreated stormwater discharging into the harbor from Highway 98 and its surrounding drainage basins; and

WHEREAS, the City is desirous of creating a separate trust fund to construct and maintain facilities to treat stormwater discharge from U.S. Highway 98 and its surrounding drainage basins.

**BE IT ORDAINED** by the City Council of Destin, Florida, as follows:

**SECTION 1. PROVIDING FOR AUTHORITY.** The authority for enactment of this ordinance is Article 1, Section 1.01(b) of the City Charter and Section 166.021, Florida Statutes.

**SECTION 2. MITIGATION FUNDS.** Any funds required by the DEP to be paid to the City of Destin in lieu of mitigation as defined in Section 373.414(1)(b), Florida Statutes by an applicant to construct or rehabilitate commercial or multi-family residential boat slips in the harbor shall be deposited into the Destin Harbor Trust Fund. These funds are to offset mitigation for water quality impacts pursuant to Section 403.918(2)(b), Florida Statutes.

**SECTION 3. CREATION OF BANK ACCOUNT** The City shall create a separate interest bearing trust account entitled "Destin Harbor Stormwater Trust Fund", and all mitigation funds received for new commercial, multi-family or residential boat slips shall be deposited directly into this bank account. The funds placed in this bank account shall not be commingled with any other funds of the City of Destin.

**SECTION 4. ADMINISTRATION OF TRUST FUNDS** The City shall monitor the construction and maintenance of the stormwater treatment facilities. The City Finance Officer shall file a report to the City Council on a semi-annual basis concerning the budget for the Destin Harbor Stormwater Trust Fund.

The City Finance Officer shall keep detailed accounting records of the use of Destin Harbor Stormwater Trust Funds which conform with generally accepted accounting principals and such records shall be maintained by the City for at least five years. The City shall provide complete access to the Florida Department of Environmental Protection of all of its records which in any way relate or pertain to the Destin Harbor Stormwater Trust Fund. As part of its record keeping and budget report, the City shall submit an annual report to the Florida Department of Environmental Protection for the previous fiscal year (October 1 through September 30) and said report shall be delivered to the Florida Department of Environmental Protection on June 1 of every year.

**SECTION 5. STORMWATER TREATMENT FACILITIES.** The City shall use funds from the Destin Harbor Stormwater Trust Fund account for the construction and maintenance of stormwater treatment facilities, which will treat the stormwater discharge from U.S. Highway 98 and other drainage basins prior to entering the harbor. The construction of the treatment facilities shall be in accordance with plans and specifications provided by the Florida Department of Transportation and approved by the Florida Department of Environmental Protection. Exhibit "A" attached to this ordinance and made a part hereof shows the approximate locations of the three outfalls and the approximate basins for each treatment facility.

**SECTION 6. MAINTENANCE OF THE STORMWATER FACILITIES.** After the construction of the aforementioned stormwater treatment facilities, funds remaining in Destin Harbor Stormwater Trust Fund account shall be used for the maintenance of the stormwater



treatment facilities. After one year of operation, an annual budget for the maintenance of the facilities for the following year shall be established. The annual budget shall be approved by the City Council.

**SECTION 7. USE OF EXCESS FUNDS FOR GENERAL HARBOR RESTORATION.** After the aforementioned annual budget is established and approved for the next year, then any funds collected during the subsequent year and deposited in the Destin Harbor Stormwater Trust Fund account in excess of the required budget for annual maintenance of the stormwater facilities and construction of any additional stormwater facilities, if necessary, may be used by the City for other water quality programs benefitting the harbor.

**SECTION 8. SEVERABILITY** Each separate provision of this ordinance is deemed independent of all other provisions herein so that if any portion or revision of this ordinance is declared invalid, all other provisions thereof shall remain valid and enforceable.

**SECTION 10. EFFECTIVE DATE** This ordinance shall be effective upon its adoption by City Council and signature of the Mayor.

ADOPTED: July 3, 1995  
BY: Gary L. Alden  
Gary L. Alden, Mayor

ATTEST:

Philip G. Cook  
Philip G. Cook, City Manager

Carolyn Lee Garrett  
Carolyn Lee Garrett, City Clerk

The form and legal sufficiency of the foregoing has been reviewed and approved by the City Attorney.

Robert E. McGill, III  
Robert E. McGill, III  
City Attorney

First Reading: 6-19-95  
Second Reading: 7-3-95

UCC Jane.  
NAV  
PC  
SW  
Lee

rd. 8/22/95  
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## MEMORANDUM OF UNDERSTANDING

THIS AGREEMENT is made and entered into this 7th day of August of 1995 by and between the Florida Department of Environmental Protection (hereinafter "DEP") and the City of Destin (hereinafter "City"), a political subdivision of the state of Florida.

### Article 1. Background and objectives.

WHEREAS, Destin Harbor has experienced significant water quality degradation over the past 50 years from a variety of uncontrolled sources, including untreated stormwater; and

WHEREAS, the City and DEP recognize that Destin Harbor is a vital economic resource of the City due to its unique location and use as a harbor for recreational, sport and commercial fishing vessels; and

WHEREAS, the City, in coordination with the Northwest Florida Water Management District and DEP has implemented a pumping system to attempt to improve water quality in the Destin Harbor caused by past pollutant loading; and

WHEREAS, Section 5-55 (12) of the City's Code of Ordinances limits the number of boat slips within the harbor, and the City has created a harbor master position to police and protect Destin Harbor; and

WHEREAS, the City is committed to further restoration measures and protection of Destin Harbor by implementing a stormwater retrofit and maintenance program to correct and treat currently untreated stormwater discharging into Destin Harbor from Highway 98; and

WHEREAS, the City has made application to Florida Department of Transportation for an ISTEA grant in the amount of FOUR HUNDRED AND FIFTY THOUSAND DOLLARS (\$450,000), which is independent of the DEP's wetland resource permitting actions, to begin the

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process of designing a specific stormwater treatment system to treat stormwater prior to discharge off of U.S. Highway 98 into Destin Harbor; and

WHEREAS, the City has adopted an ordinance, which creates the Destin Harbor Stormwater Trust Fund and which is specifically designated for the funding and implementation of a stormwater retrofit program of untreated stormwater discharge off of U.S. Highway 98 in Destin Harbor; said ordinance does not assess a fee on single family docks and further provides that older docks, which do not increase the number or size of slips in the Destin Harbor will be charged no fee; and

WHEREAS, the funding will include the assessment of a fee in an amount to be determined by the DEP for each new commercial or multifamily residential slip which may only be used for the construction and maintenance of stormwater treatment facilities discharging into Destin Harbor, and which facilities must be approved by the DEP and permitted under Part IV of Chapter 373, Florida Statutes and Title 62 of the Florida Administrative Code; and

WHEREAS, DEP recognizes that the approved program may be offered in lieu of mitigation by an individual applicant to construct or rehabilitate commercial or multifamily slips by making deposits to the previously mentioned trust fund for stormwater retrofit.

NOW, THEREFORE in consideration of the premises and covenants contained herein, the parties agree as follows:

**Article 2. Statement of Work.**

1. The City shall be responsible for the collection of the fees required in Ordinance No. 275 adopted by the City and agreed to by DEP as set forth in the stormwater retrofit

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ordinance. Said funds shall be deposited by the City into the City Destin Harbor Stormwater Treatment Fund (DHSTF) and shall not be co-mingled with any other City funds.

2. The City may only disburse funds from the DHSTF in accordance with the provisions of the ordinance for the specific purpose of constructing stormwater treatment facilities and maintenance thereof as set forth in Ordinance 275.

3. In the event it is determined the City has excess funds exceeding the amount needed for the construction and maintenance of the stormwater facilities, which facilities must be approved by the DEP and permitted under Part IV of Chapter 373, Florida Statutes and Title 62 of the Florida Administrative Code, the City may disburse any excess funds for other water quality improvement projects benefitting the harbor as mutually agreed to by the City and DEP.

4. The City shall keep detailed accounting records which conform with generally accepted accounting principles which shall include but not be limited to cash receipt journal, cash disbursement journal, general ledger and all other subsidiary ledgers as reasonably necessary. All such reports shall be retained by the City for at least fifteen years from the execution of this Agreement.

5. The City shall provide access to all its records which relate to this Agreement and agrees to provide such assistance as necessary to facilitate their review when necessary by DEP to insure compliance with the County and financial standards. DEP shall have the right to access all such records for for at least fifteen years from the execution of this Agreement.

6. The City shall make all records or documents which relate to this Agreement available to DEP at the official office of the City during regular business hours.

7. Nothing in this Agreement shall be construed as relieving any party or individual applicant of the duty to comply with other applicable federal, state or local laws, regulations or ordinances either presently in existence or as may be amended or delegated to DEP in the future.

**Article 3. Term of the Agreement Extension.**

A. Initial Term. This Agreement shall be for an initial term of ten years beginning from the date of execution.

b. Extension Terms. This Agreement may be extended upon the same terms and conditions by mutual written agreement of both parties.

C. Continuation of this Agreement in whole or in part will be contingent upon the availability of funds.

**Article 4. Key Officials.**

**THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION:**

The Secretary or authorized delegatee will provide review and approval of all terms of all agreements and will exercise the authority to approve conduct of any cooperative projects with regards to the conditions contained herein. The Chief of the Bureau of Submerged Land and Environmental Resources shall act as the authorized technical representative for DEP with regard to the technical scope of this Agreement. DEP shall provide written notice to the City of any changes in key officials within four weeks of any such change.

**THE CITY OF DESTIN:**

The City Planning Director shall act as the authorized technical representative for the City with regard to the technical scope of this Agreement. The City shall provide written

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notice to DEP of any changes in authorized technical representatives within four weeks of such change.

1. Semiannual reports shall be generated by the City concerning implementation of the stormwater retrofit program as approved by the DEP.

2. The City shall provide to DEP a semiannual statement, in writing showing the net amount remaining in the DHSTF.

3. The City shall submit an annual report to DEP for the previous fiscal year, October 1 through September 30, due June 1 of every year thereafter detailing the amount of monies collected and disbursed, including any disbursement to the City for administrative costs concerning implementation of this Agreement.

#### **Article 5. Amendment.**

This Agreement may be modified by amendment upon mutual written agreement of both parties.

#### **Article 6. Termination.**

A. This Agreement shall terminate automatically unless the same is extended pursuant to Article 3 by mutual written agreement prior to expiration of the date of this Agreement. If there is money left in the fund at the time of termination, then all monies must be disbursed to implementation of any part of the proposed stormwater treatment facility or other mutually agreed upon water quality improvement program benefitting the harbor.

B. This Agreement may be terminated by mutual agreement of the parties at any time provided that all monies have been committed and/or disbursed to implementation of any part

of the proposed stormwater treatment facility or other mutually agreed upon water quality improvement program benefitting the harbor.

#### Article 7. Notices.

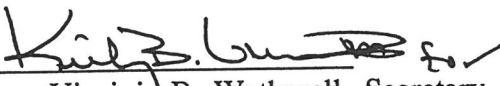
All notices required or permitted to be given under the terms and provisions of this Agreement by either party to the other shall be in writing and shall be sent by registered or certified return receipt requested to the parties as follows: P.O. Box 399, Destin, Florida 32540,  
2600 Blair Stone Road  
 for the City, Tallahassee, FL 32399 for DEP, or to such other address as hereinafter be provided by parties in writing. Notices by registered or certified mail shall be deemed received on the delivery date indicated by the U.S. Post Office on the return receipt.

#### Article 8. Venue.

Any litigation hereunder shall be brought in the applicable state or federal courts in Okaloosa or Leon County, Florida. The terms and conditions set forth in this Agreement may be enforced in a court of competent jurisdiction as provided by Florida law.

IN WITNESS THEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives on the last day and year noted below.

#### FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

By:   
 Virginia B. Wetherell, Secretary

Date: 8/14/95

CITY OF DESTIN

By:   
 Mayor

Date: 8-9-95

Attest: Carolyn Le Gault

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Deputy Clerk

Approved by the DEP Attorney  
for form and legal sufficiency:

Synette Standaell

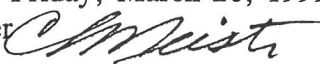
Approved by the City Attorney  
for form and legal sufficiency:

Robert E. McFarland

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**OUTLINE  
STORMWATER MANAGEMENT  
CITY OF DESTIN**

Presented to Weekly Management Meeting, Friday, March 26, 1999  
by Charles L. Meister, P. E., City Engineer 

Article XV, Stormwater Management, (Ordinance 044.1) of the City's Code of Ordinances includes the following:

Sec. 6-346. Findings of Fact.

The City Council finds the following:

- 1) Water resources of the City are critical to the public health, safety and welfare.
- 2) Uncontrolled stormwater runoff causes pollution, erosion, sedimentation and floodings, and adversely affects potable fresh water sources for the City.
- 3) Uncontrolled stormwater runoff may flow into Destin Harbor, which is a vital resource to the City.
- 4) Improperly channeling water increases the velocity of surface water runoff, thereby increasing erosion and sedimentation.
- 5) Construction requiring the alteration of natural topography and removal of vegetation tends to increase erosion.
- 6) Increases in the amount of impervious surface associated with urban development add to surface water runoff and contribute to flooding unless specifically counteracted by appropriate stormwater management practices.

Sec. 6-347. Purpose

The purpose of this chapter (article) is to protect water quality and control ground erosion by containing the maximum volume of stormwater runoff possible on the development site.

The Ordinance goes on to include definitions of terms, words, and phrases pertaining to the Ordinance and its use.

The Ordinance (Sec 6-351) requires a stormwater management plan to be filed with all projects whether City Council approval is required or not and includes a minimum slab elevation for all structures of 9" above the crown of the nearest street. General requirements include twenty-five (25) required performance standards. The basic performance standards are that the runoff from the first 1" of rainfall from the entire project area shall be retained or detained with filtration on site regardless of the amount of rainfall and that the hydrograph for the developed or redeveloped site shall not exceed the rate of flow of runoff produced by conditions existing before development or redevelopment for the 25 year storm unless discharge is to a waterbody

of sufficient size to mitigate any impact from the increased rate of flow. Additionally, erosion and sedimentation facilities shall receive regular maintenance to ensure that they continue to function properly and all sediment shall be retained on the site of the development.

The Ordinance (Sec 6-353) then defines the minimum content of stormwater management plans. There are seven (7) specific components required in all stormwater management plans. Briefly, there are:

- 1) Applicant identity.
- 2) Location map.
- 3) Existing environmental and hydrologic conditions of the site.
- 4) Proposed alterations of the site.
- 5) All components of the drainage system, including detention, retention, infiltration shall be described in detail.
- 6) Stormwater analysis based upon a 25 year design frequency FDOT storm.
- 7) Detailed construction plans and specifications for all components of the stormwater management system prepared, signed, and sealed by a professional engineer registered in Florida.

Finally, the Ordinance summarizes permit application procedures, plan adherence, maintenance, and inspections. Any deviation in the final construction from the approved plans shall constitute grounds for withholding final inspection approval and the certificate of occupancy.

#### Sec 6-357. Inspections

Prior to conducting a final inspection and issuing a certificate of occupancy for any structure requiring a stormwater management plan, the City Engineer shall ensure that all stormwater systems are provided as shown on the approved plans. Failure to provide such stormwater systems shall constitute sufficient grounds for denial of a certificate of occupancy. The developer's engineer, or a registered professional engineer, shall also provide stormwater certification that states the stormwater facilities have been constructed in accordance with the approved stormwater management plan.

Exceptions: See City Operating Instruction (OI) ENG 01, February 18, 1999

All accessory structures (single and two family properties only) up to including 150 square feet (sf), slabs, patios, decks, parking areas, or driveways and additions (up to and including 150 sf of added impervious area) are exempt from stormwater concurrency requirements.

Final Note: (see City Engineer memo dated July 7, 1998, revised 1/21/99) - City Engineer has designed a stormwater concurrency chart that may be used by developers for small impervious (750 sf or below). This saves the cost of engineering for small projects.

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DATE 2-19-99  
DESTIN P. B. C. W. P. A. S. ENGINEER  
SIGN QB

City of Destin  
4200 Two Trees Road  
Destin, Florida 32541

City Operating Instruction ENG 01  
Date: February 18, 1999

### STORMWATER CONCURRENCY

Stormwater concurrency exceptions for single and two family properties. This Operating Instruction (OI) establishes procedures for stormwater concurrency requirements when issuing building permits for accessory buildings or other impervious areas to be added to the principal use of the property.

REFERENCES: Comprehensive Plan, City of Destin:  
Policy 10.C.1.2  
Policy 10.D.2.3  
Memorandum, David A. Theriaque, P.A. to Larry Rubenstein, City Manager dated February 10, 1999.

1. GENERAL: This OI provides for permitting of all accessory structures, up to and including 150 sf in plan area, slabs, patios, decks, parking areas, or driveways and additions (up to and including 150 sf of added impervious area) without stormwater concurrency requirements since they are excluded from the definition of "development" in Florida Statutes. The intent and use of this OI does not impact other City Code requirements such as required setbacks, zoning requirements, building requirements or slab elevation for structures. -

#### 2. PROCEDURES:

A. Building permit applications shall contain or have adequate attachments to allow all reviewing departments sufficient information to clearly determine whether the proposed activity qualifies for a stormwater concurrency exception under this OI. No exception shall be granted unless adequate documentation is provided by the applicant. Adequate is obviously a judgement call, and shall ultimately be determined by the City Manager.

B. All standard permitting procedures and processes shall be followed; i.e., permit application shall be routed through Community Development, Engineering, and the Building Department for approval.

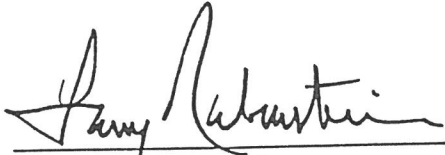
C. The use of this OI is limited to providing exceptions to meeting stormwater concurrency requirements for accessory structures as defined above only. All other Concurrency, Code or Building Department regulations and criteria shall apply. These other regulations and criteria include setbacks, encroachments, easements, structural integrity, slab elevation, and any other applicable code and concurrency requirements.

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Office of Primary Responsibility: Engineering

Distribution: Mayor, City Council, City Manager, Community Development, Building Official and file

D. APPEALS: The determination of application adequacy shall rest with the City of Destin. If the applicant alleges that an error has been made, the dispute shall be taken before the Board of Adjustment in accordance with Article 2.15 of the Land Development Code.



Larry J. Rubenstein  
City Manager

1 Atch

1. Memorandum David A. Theriaque,  
P. A. dated February 10, 1999 (7 pp)

;

DAVID A. THERIAQUE, P.A.  
ATTORNEYS AT LAW

837 EAST PARK AVENUE  
TALLAHASSEE, FLORIDA 32301

TELEPHONE: (850) 224-7332  
FACSIMILE: (850) 224-7662

MEMORANDUM

TO: LARRY RUBENSTEIN  
CITY MANAGER

FROM: DAVID A. THERIAQUE *(DPT)*  
CITY LAND USE ATTORNEY

DATE: FEBRUARY 10, 1999

RE: STORMWATER CONCURRENCY EXCEPTIONS FOR SINGLE-  
FAMILY PROPERTIES



Issue:

You have requested that I analyze whether accessory structures for single-family dwellings must comply with the stormwater concurrency requirements of the City's Comprehensive Plan. Based upon the express definition of "development" in Chapters 163 and 380, *Florida Statutes*, it is my opinion that accessory structures for single-family dwellings are not required to comply with the stormwater concurrency requirements of the City's Comprehensive Plan.<sup>1</sup>

Analysis

Policy 10.C.1.2 and Policy 10.D.2.3 of the City's Comprehensive Plan establish stormwater concurrency requirements. Policy 10.C.1.2 states that:

The City shall continue to require all new development to retain or detain by filtration the first inch of stormwater runoff on site for a maximum of a twenty-five (25) year storm event (reference City Code, Chapter 6, Article XV and the Northwest Florida Coast Resource Management Plan).

(Emphasis supplied). Policy 10.D.2.3 states that:

The LOS standards for drainage shall be:

<sup>1</sup> This analysis is limited to the applicability of the stormwater concurrency requirements of the City's Comprehensive Plan, and does not address any such requirements that may be contained in other regulations promulgated by the City Council.

Larry Rubenstein  
February 10, 1999  
Page 2

- a. Retain the first inch of run-off on-site; and
- b. Post development run-off shall not exceed the pre-development run-off rate for a 25 year storm event, up to and including an event with a 24-hour duration.

Note: The IDC shall include design and performance standards pursuant to Section 17-25.025, F.A.C. and Section 17-3.051, F.A.C. In addition, it is intended that all standards in these citations are to apply to all new development and redevelopment and that any exemptions or exceptions based on project size thresholds are not applicable.

(Emphasis supplied).

The threshold issue regarding the applicability of these two Policies is what constitutes "development." Although the City's Comprehensive Plan does not contain a definition for "development," section 3.01 of the Comprehensive Plan expressly adopts the definitions contained in Chapter 163, Part II, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*. Section 163.3164(6) defines "development" by reference to section 380.04, *Florida Statutes*. Section 380.04(1) provides a generalized definition of "development":

The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

This broad definition is subsequently narrowed to expressly exclude:

The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

Section 380.04(3)(d).

It is my opinion that storage/utility sheds that are constructed as an accessory structure to a dwelling fall within the scope of the exclusion set forth by section 380.04(3)(d). Accordingly, storage/utility sheds would not qualify as "development" for the purposes of Policy 10.C.1.2 and Policy 10.D.2.3 of the City's Comprehensive Plan. Thus, storage/utility sheds would not be subject to the stormwater concurrency requirements of the City's Comprehensive Plan. Moreover, this exception would not be limited to just storage/utility sheds, but would also apply to any other use that is customarily incidental to the enjoyment of a dwelling.

Policy 10.B.1.4 - The City shall include level of service standards for solid waste collection within its Land Development Code and shall ensure the maintenance of level of service standards through implementation of the Concurrency Management System (reference Chapter 6).

Policy 10.B.1.5 - The level of service standards for solid waste within the City of Destin shall be five (5) pounds per capita per day.

Policy 10.B.1.6 - By March 1st of each year, the City shall express to the legislative delegation its desire and commitment to see the delegation sponsor and pass a "bottle" bill. Specifically, the City believes it to be in the City's interest, as well as the interest of the State of Florida, for the State to enact legislation requiring refundable deposits.

Policy 10.B.1.7 - The City shall continue to participate in the Okaloosa County recycling program so that a reduction in the solid waste stream going to landfills or the transfer station is achieved. Note: The program is designed to remove at least 30% of the solid waste from the waste stream. Significantly, as of the adoption date of this ordinance, the program is experiencing an approximate 75% participation rate.

Section 10.06 Storm Water Drainage Goals, Objectives and Policies:  
The Goals, Objectives and Policies for storm water drainage are as follows:

Goal 10.C - Minimize stormwater run-off into Destin Harbor.

Objective 10.C.1 - Eliminate fifty percent (50%) of the stormwater borne pollutants (based on 1987 levels) from the Harbor by 2000.

Policy 10.C.1.1 - The City will cooperate with the Department of Transportation and the Department of Environmental Regulation to implement the stormwater recommendations of the Harbor Management Plan (reference Chapter 7 of the Foundation Documents, Exhibit B, Destin Harbor Management Plan).

Policy 10.C.1.2 - The City shall continue to require all new development to retain or detain by filtration the first inch of stormwater runoff on site for a maximum of a twenty-five (25) year storm event (reference City Code, Chapter 6, Article XV and the Northwest Florida Coast Resource Management Plan).

Policy 10.C.1.3 - The City shall continue its periodic inspection program of stormwater control structures to insure the proper functioning of such structures.



stormwater management system which operate in an environmentally unsound manner;

- b. The economic impact (cost/benefit analysis) of replacement or upgrade of deficient components with particular emphasis upon the creation of environmentally safe systems;
- c. Analysis of the ecological impact of continued disposal of stormwater from the systems identified in (a) above; and
- d. Recommended dates for the completion of any improvements which may be identified in the study.

The study and report, together with recommended improvements to the stormwater management system, shall be presented to the committee appointed pursuant to Policy 14.A.3.6 so that it may include the recommendations within its report due to the LPA on October 1st of 1993 (reference Section 14.06).

The City shall amend its Comprehensive Plan to implement the recommendations of the study and the committee upon promulgation of such recommendations.

Objective 10.D.2 - Provide drainage facilities concurrent with demand created by future development upon adoption of the LDC (reference Policy 7.A.1.4 and Chapter 6 of this Ordinance).

Policy 10.D.2.1 - Installation of drainage facilities made necessary by new development shall be the responsibility of the developer (reference Policy 14.A.4.2).

Policy 10.D.2.2 - The Land Development Code shall contain regulations relating to stormwater management practices which are consistent with the resource management plan (reference Policy 7.A.1.5).

X Policy 10.D.2.3 - The LOS standards for drainage shall be:

- a. Retain the first inch of run-off on-site; and
- b. Post development run-off shall not exceed the pre-development run-off rate for a 25 year storm event, up to and including an event with a 24-hour duration.

Note: The LDC shall include design and performance standards pursuant to Section 17-25.025, F.A.C. and Section 17-3.051, F.A.C. In addition, it is intended that all standards in these citations are to apply to all new development and redevelopment and that any exemptions or exceptions based on project size thresholds are not applicable.



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## INTERGOVERNMENTAL PROGRAMS

Ch. 163

iveness of a devel-  
location of a develop-  
to comply with subse-  
state and federal law.

unities demonstration

and purpose.—  
and may be cited as  
Comprehensive Planning and  
Act."

in furtherance of, the  
Mental Land and Water  
380, it is the purpose  
than the existing role,  
of governments in the  
tion of comprehensive  
control future develop-

that its adoption is nec-  
essary to preserve and  
encourage the most  
valuable resources, consist-  
ent with present handi-  
capped problems that may  
arise out of land within their  
jurisdiction of comprehensive  
planning of local government  
and improve the public  
order, appearance,  
and fire prevention, and  
encouraging of land and  
water use; facilitate the  
development of transportation,  
recreational facilities,  
and services; and  
protect natural  
resources.

to encourage and  
among municipalities  
and assure coordina-  
tion of activities of units of  
government and activities of regional  
authorities in accordance with applica-

that adopted compre-  
hensive plan set out in this  
chapter shall be  
with comprehensive  
plan, prepared and  
adopted.

that the activities of  
separation and adop-  
tion of portions  
conformity with the pro-

their interpretation  
shall be the minimum  
to accomplish the stated  
purpose of this act; to protect  
the land, and economic

resources; and to maintain, through orderly growth and  
development, the character and stability of present and  
future land use and development in this state.

(8) It is the intent of the Legislature that the repeal  
of ss. 163.160 through 163.315 by s. 19 of chapter  
85-55, Laws of Florida, shall not be interpreted to limit  
or restrict the powers of municipal or county officials,  
but shall be interpreted as a recognition of their broad  
statutory and constitutional powers to plan for and reg-  
ulate the use of land. It is, further, the intent of the Leg-  
islature to reconfirm that ss. 163.3161 through  
163.3215 have provided and do provide the necessary  
statutory direction and basis for municipal and county  
officials to carry out their comprehensive planning and  
land development regulation powers, duties, and  
responsibilities.

(9) It is the intent of the Legislature that all govern-  
mental entities in this state recognize and respect judi-  
cially acknowledged or constitutionally protected pri-  
vate property rights. It is the intent of the Legislature  
that all rules, ordinances, regulations, and programs  
adopted under the authority of this act must be devel-  
oped, promulgated, implemented, and applied with  
sensitivity for private property rights and not be unduly  
restrictive, and property owners must be free from  
actions by others which would harm their property. Full  
and just compensation or other appropriate relief must  
be provided to any property owner for a governmental  
action that is determined to be an invalid exercise of the  
police power which constitutes a taking, as provided by  
law. Any such relief must be determined in a judicial  
action.

History.—ss. 1, 2, ch. 75-257; ss. 1, 20, ch. 85-55; s. 1, ch. 93-206.

#### 163.3184 Definitions.—As used in this act:

(1) "Administration Commission" means the Govern-  
or and the Cabinet, and for purposes of this chapter  
the commission shall act on a simple majority vote,  
except that for purposes of imposing the sanctions pro-  
vided in s. 163.3184(11), affirmative action shall  
require the approval of the Governor and at least three  
other members of the commission.

(2) "Area" or "area of jurisdiction" means the total  
area qualifying under the provisions of this act, whether  
this be all of the lands lying within the limits of an incor-  
porated municipality, lands in and adjacent to incorpo-  
rated municipalities, all unincorporated lands within a  
county, or areas comprising combinations of the lands  
in incorporated municipalities and unincorporated  
areas of counties.

(3) "Coastal area" means the 35 coastal counties  
and all coastal municipalities within their boundaries  
designated coastal by the state land planning agency.

(4) "Comprehensive plan" means a plan that meets  
the requirements of ss. 163.3177 and 163.3178.

(5) "Developer" means any person, including a  
governmental agency, undertaking any development  
as defined in this act.

(6) "Development" has the meaning given it in s.  
380.04.

(7) "Development order" means any order granting,  
denying, or granting with conditions an application for  
a development permit.

(8) "Development permit" includes any building  
permit, zoning permit, subdivision approval, rezoning,  
certification, special exception, variance, or any other  
official action of local government having the effect of  
permitting the development of land.

(9) "Governing body" means the board of county  
commissioners of a county, the commission or council  
of an incorporated municipality, or any other chief gov-  
erning body of a unit of local government, however des-  
ignated, or the combination of such bodies where joint  
utilization of the provisions of this act is accomplished  
as provided herein.

(10) "Governmental agency" means:

(a) The United States or any department, commis-  
sion, agency, or other instrumentality thereof.

(b) This state or any department, commission,  
agency, or other instrumentality thereof.

(c) Any local government, as defined in this sec-  
tion, or any department, commission, agency, or other  
instrumentality thereof.

(d) Any school board or other special district,  
authority, or governmental entity.

(11) "Land" means the earth, water, and air, above,  
below, or on the surface, and includes any improve-  
ments or structures customarily regarded as land.

(12) "Land use" means the development that has  
occurred on the land, the development that is proposed  
by a developer on the land, or the use that is permitted  
or permissible on the land under an adopted compre-  
hensive plan or element or portion thereof, land devel-  
opment regulations, or a land development code, as  
the context may indicate.

(13) "Local government" means any county or  
municipality.

(14) "Local planning agency" means the agency  
designated to prepare the comprehensive plan or plan  
amendments required by this act.

(15) A "newspaper of general circulation" means a  
newspaper published at least on a weekly basis and  
printed in the language most commonly spoken in the  
area within which it circulates, but does not include a  
newspaper intended primarily for members of a particu-  
lar professional or occupational group, a newspaper  
whose primary function is to carry legal notices, or a  
newspaper that is given away primarily to distribute  
advertising.

(16) "Parcel of land" means any quantity of land  
capable of being described with such definiteness that  
its locations and boundaries may be established, which  
is designated by its owner or developer as land to be  
used, or developed as, a unit or which has been used  
or developed as a unit.

(17) "Person" means an individual, corporation, gov-  
ernmental agency, business trust, estate, trust, part-  
nership, association, two or more persons having a  
joint or common interest, or any other legal entity.

(18) "Public notice" means notice as required by s.  
125.66(2) for a county or by s. 166.041(3)(a) for a  
municipality. The public notice procedures required in  
this part are established as minimum public notice pro-  
cedures.

(19) "Regional planning agency" means the agency  
designated by the state land planning agency to exer-

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## LAND AND WATER MANAGEMENT

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cation, variance, or other action having the effect of permitting development as defined in this chapter.

(5) "Downtown development authority" means a local governmental agency established under part III of chapter 163 or created with similar powers and responsibilities by special act for the purpose of planning, coordinating, and assisting in the implementation, revitalization, and redevelopment of a specific downtown area of a city.

(6) "Governmental agency" means:

(a) The United States or any department, commission, agency, or other instrumentality thereof;

(b) This state or any department, commission, agency, or other instrumentality thereof;

(c) Any local government, as defined in this chapter, or any department, commission, agency, or other instrumentality thereof;

(d) Any school board or other special district, authority, or other governmental entity.

(7) "Land" means the earth, water, and air above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

(8) "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land.

(9) "Land use" means the development that has occurred on land.

(10) "Local comprehensive plan" means any or all local comprehensive plans or elements or portions thereof prepared, adopted, or amended pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, as amended.

(11) "Local government" means any county or municipality and, where relevant, any joint airport zoning board.

(12) "Major public facility" means any publicly owned facility of more than local significance.

(13) "Parcel of land" means any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

(14) "Person" means an individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

(15) "Regional planning agency" means the agency designated by the state land planning agency to exercise responsibilities under this chapter in a particular region of the state.

(16) "Rule" means a rule adopted under chapter 120.

(17) "State land development plan" means a comprehensive statewide plan or any portion thereof setting forth state land development policies.

(18) "State land planning agency" means the Department of Community Affairs and may be referred to in this part as the "department."

(19) "Structure" means anything constructed, installed, or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for hous-

ing, business, commercial, agricultural, or office purposes either temporarily or permanently. "Structure" also includes fences, billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

(20) "Resource planning and management committee" or "committee" means a committee appointed pursuant to s. 380.045.

History.—s. 3, ch. 72-317; s. 1, ch. 79-73; s. 1, ch. 80-313; s. 1, ch. 83-308; s. 41, ch. 85-55.

**380.032 State land planning agency; powers and duties.**—The state land planning agency shall have the power and the duty to:

(1) Exercise general supervision of the administration and enforcement of this act and all rules and regulations promulgated hereunder.

(2)(a) Adopt or modify rules to carry out the intent and purposes of this act. Such rules shall be consistent with the provisions of this act.

(b) Within 20 days following adoption, any substantially affected party may initiate review of any rule adopted by the state land planning agency interpreting the guidelines and standards by filing a request for review with the Administration Commission and serving a copy on the state land planning agency. Filing a request for review shall stay the effectiveness of the rule pending a decision by the Administration Commission. Within 45 days following receipt of a request for review, the commission shall either reject the rule or approve the rule, with or without modification.

(3) Enter into agreements with any landowner, developer, or governmental agency as may be necessary to effectuate the provisions and purposes of this act or any rules promulgated hereunder.

History.—s. 1, ch. 77-215; s. 2, ch. 80-313; s. 42, ch. 85-55.

### 380.04 Definition of development.—

(1) The term "development" means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

(2) The following activities or uses shall be taken for the purposes of this chapter to involve "development," as defined in this section:

(a) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(b) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

(c) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction" as defined in s. 161.021.

(d) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.

(e) Demolition of a structure.

(f) Clearing of land as an adjunct of construction.

(g) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.



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(3) The following operations or uses shall not be taken for the purpose of this chapter to involve "development" as defined in this section:

(a) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

(b) Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

(c) Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.

(d) The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

(e) The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

(f) A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

(g) A change in the ownership or form of ownership of any parcel or structure.

(h) The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

(4) "Development," as designated in an ordinance, rule, or development permit includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of subsection (1).

History.—s. 4, ch. 72-317; s. 2, ch. 83-308.

#### 380.045 Resource planning and management committees; objectives; procedures.—

(1) Prior to recommending an area as an area of critical state concern pursuant to s. 380.05, the Governor, acting as the chief planning officer of the state, shall appoint a resource planning and management committee for the area under study by the state land planning agency. The objective of the committee shall be to organize a voluntary, cooperative resource planning and management program to resolve existing, and prevent future, problems which may endanger those resources, facilities, and areas described in s. 380.05(2) within the area under study by the state land planning agency.

(2) The committee shall include, but shall not be limited to, representation from each of the following: elected officials from the local governments within the area under study; the planning office of each of the local governments within the area under study; the

state land planning agency; any other state agency under chapter 20 a representative of which the Governor feels is relevant to the compilation of the committee; and a water management district, if appropriate, and regional planning council all or part of whose jurisdiction lies within the area under study. After the appointment of the members, the Governor shall select a chair and vice chair. A staff member of the state land planning agency shall be appointed by the director of such agency to serve as the secretary of the committee. The state land planning agency shall, to the greatest extent possible, provide technical assistance and administrative support to the committee. Meetings will be called as needed by the chair or on the demand of three or more members of the committee. The committee will act on a simple majority of a quorum present and shall make a report within 6 months to the head of the state land planning agency. The committee shall, from the time of appointment, remain in existence for not less than 6 months.

(3) Not later than 12 months after its appointment by the Governor, the committee shall either adopt a proposed voluntary resource planning and management program for the area under study or recommend that a voluntary resource planning and management program not be adopted. The proposed voluntary resource planning and management program shall contain the committee findings with respect to problems that endanger those resources, facilities, and areas described in s. 380.05(2) and shall contain detailed recommendations for state, regional, and local governmental actions necessary to resolve current and prevent future problems identified by the committee. A major objective of the proposed voluntary resource planning and management program shall be the effective coordination of state, regional, and local planning; program implementation; and regulatory activities for comprehensive resource management. The committee shall submit the proposed voluntary resource planning and management program to the head of the state land planning agency, who shall transmit the program along with the recommendations of the agency for monitoring and enforcing the program, as well as any other recommendations deemed appropriate, to the Administration Commission.

(4) The Administration Commission shall by resolution approve, approve as modified, or reject the proposed voluntary resource planning and management program and state land planning agency recommendations; and the Administration Commission shall request each state or regional agency that is responsible for implementing a portion of an approved program to conduct its programs and regulatory activities in a manner consistent with the approved program. Each state and regional agency involved in implementing the program shall cooperate to the maximum extent possible in ensuring that the program is given full effect.

(5) The state land planning agency shall report to the Administration Commission within 12 months of the approval of the program by the commission concerning the implementation and the effects of the approved voluntary resource planning and management program. The report shall include, but shall not be limited to:

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(a) An area with the program recommendations agency planning activities, and

(b) An area affected local

(c) An area for monitoring and evaluation of impacts

(d) A recommendation for any portion of the area of critical

The state land reports to the Administration Commission including recommendations for study area boundaries because area or in the resource planning history.—s. 2, ch.

#### 380.05 A

(1)(a) The time to time resolution specific recommendations with respect to within the boundaries of lands under agency also tion of a resource appointee would result ment of the achieved from nated manner proposed an ment within the state, fees within the prices with proportion. The local government accomplish guiding development shall not be a sive plan at tions, density requirement

(b) With information from reject the recommendations rule designa rule that development must include

1. A development
2. Principal
3. A development

OFFICE OF CITY ENGINEER

DATE: July 7, 1998 (Revised 1/21/99)  
TO: ALL DEPARTMENTS  
THRU: Jill Scroggs, Interim City Manager  
FROM:  Chuck Meister, City Engineer 

---

NOTICE

Please be advised that future construction of any new development within Destin shall meet Stormwater Concurrency, as per the Comprehensive Plan. The Level of Service (LOS) standards are:

- (a) Retain the first one inch (1") of stormwater runoff on site;
- (b) Post-development runoff shall not exceed pre-development rate for a 25-year storm event, up to and including 24 hour duration.

No development will be approved unless there is sufficient drainage capacity to sustain the adopted LOS.

All development must have stormwater concurrency completed by a professional engineer. Small projects adding 750 sf and below of impervious area have the option of using the stormwater concurrency chart provided below by the City of Destin's Engineering Department, or utilizing a licensed professional engineer for the concurrency design.

Requirements for the use of this chart are all of the following:

- (1) Swale/retention area(s) shall be sodded and shall have a 3:1 slope.
- (2) Swale/retention area(s) shall be shown in close proximity of new development on site plan for approval by the City Engineer prior to obtaining a building permit.
- (3) Area impacted by new development shall be regraded so stormwater runoff from the new impervious area shall go to the swale/retention area(s).
- (4) Chart has 50 sf increments. If your new development area falls between the increment, the next higher increment shall be used.

This memorandum serves as a reminder that the City Engineer must have this information before permits are issued in order to ensure stormwater concurrency. Thanks for your help!

  
Charles L. Meister, P. E., City Engineer

## REFERENCES

Comprehensive Plan for the City of Destin:

Chapter 10, Sections 10.06, 10.C.1.2, 10.D.1.1., 10.D.1.2, 10.D.2, and 10.D.2.3

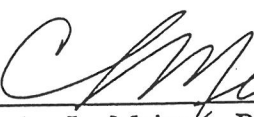
Land Development Code for the City of Destin:

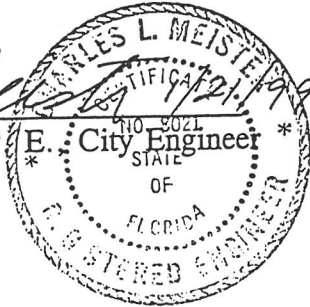
(Destin Ordinance 152) Article 6, Sec. 6.03; Article 10, Sec. 10.03.00

Article 15, Sec. 15.02.05 and 15.03.03

Code of Ordinances for the City of Destin:

Chapter 6, Art. XV. Stormwater, plus Ord. 044.1; Chapter 21. Zoning Regs. Art. II,  
Sec. 21-32 (f)

  
Charles L. Meister, P.E. City Engineer  
Rev. 1/21/99



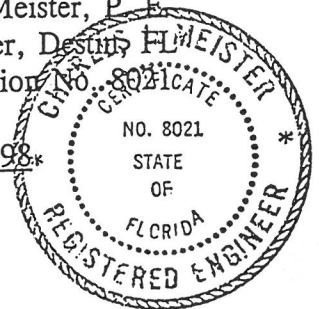
Area & depth based upon 3H to 1 vertical side slopes

| New Impervious<br>Area (sf) | Required Retention area<br>(Top Area sf) | Depth of retention<br>area (in.)/(mm) |
|-----------------------------|------------------------------------------|---------------------------------------|
| 50                          | 50                                       | 4/102                                 |
| 100                         | 100                                      | 3/76                                  |
| 150                         | 100                                      | 5/127                                 |
| 200                         | 144                                      | 5/127                                 |
| 250                         | 144                                      | 5/127                                 |
| 300                         | 144                                      | 5/127                                 |
| 350                         | 225                                      | 4/102                                 |
| 400                         | 225                                      | 5/127                                 |
| 450                         | 225                                      | 5/127                                 |
| 500                         | 325                                      | 4/102                                 |
| 550                         | 325                                      | 5/127                                 |
| 600                         | 325                                      | 5/127                                 |
| 650                         | 325                                      | 5/127                                 |
| 700                         | 400                                      | 5/127                                 |
| 750                         | 400                                      | 5/127                                 |

Designed by: Charles L. Meister

Charles L. Meister, P. E.  
City Engineer, Destin, FL  
FL Registration No. 8021

this 10<sup>th</sup> day of July, 1998



## Comprehensive Plan NPEB

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for **infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor**. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

## CITY OF DESTIN



## AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.C.

---

**TO:** City Council

**THRU:** Lance Johnson, City Manager  
Louis Zunguze, Community Development Director  
Krystal Strickland, Finance Director  
Kimberly Kopp, Land Use Attorney

**FROM:** Ryan Scott, City Engineer

**DATE:** October 12, 2022

**SUBJECT:** Cross Town Connector - Stormwater Design Update

---

**I. BACKGROUND:** At the July 11, 2022 City Council meeting, the City Council directed Staff to obtain costs associated with the redesign of an underground retention system for the Cross Town Connector Project, instead of an open surface retention system. During the August 1, 2022 City Council meeting, the City Council directed Staff to move forward with redesign of retention area #2 so that it is completely underground.

**II. DISCUSSION:**

Per City Council's directive, the Atkins Consultants have provided five different design options to underground the retention area #2. The Engineering Division has reviewed each option and determined which is best suited to incorporate a park area for recreational activities.

The five options were as follows:

| COMPANY               | COST        |
|-----------------------|-------------|
| ADS Storm Tech        | \$1,470,296 |
| Contech               | \$1,392,912 |
| NDS                   | \$827,144   |
| StormTrap             | \$1,857,216 |
| Triton                | \$653,121   |
| Traditional Retention | \$253,820   |



**NDS & Triton** systems pricing did not include installation or gravel bed costs, making the final cost unknown compared to the other options and therefore have been removed from consideration. **StormTrap** is the most expensive of the options and therefore was removed from consideration. The two remaining options were **ADS StormTech** and **Contech**. When comparing the two, **Contech** uses metal pipe, has a more frequent long term maintenance requirement, the shortest service life, is almost three feet deeper when compared to **ADS StormTech**, and has a higher probability to fail. The **ADS StormTech** system uses plastic pipe, requires less frequent maintenance, has a longer life expectancy, and is three feet shallower (when compared to **Contech**). The expected construction cost difference between the two is estimated at \$77,384.00.

**A. Link to Strategic Goals / Objectives:** Complete 2-lane section of Cross Town Connector  
Improve mobility and connectivity.

**B. Effect on Budget (EOB):** The effect on Budget would be the construction cost difference between the underground system options and traditional retention ponds, depending on the option selected.

**ADS Storm Tech** \$1,470,296

**Contech** \$1,392,912

**NDS** \$827,144

**StormTrap** \$1,857,216

**Triton** \$653,121

**Traditional Retention** \$253,820

**C. Level of Service (LOS):** The completion of the Cross Town Connector is consistent with the **Comprehensive Plan Chapter 2- Transportation Policy to construct transportation facilities to multimodal standards.**

**D. Legislative Sponsor:**

**III. CONCLUSION:** In keeping with City Council's desire to better utilize the designated park areas for recreation activities, the available subsurface retention systems were evaluated for best value based on **service life, maintenance, and installation cost**. The **ADS StormTech** system provides a balanced quality standard for best value and park usage, and is therefore recommended by the Engineering Division in consultation with the Public Works Department.

**IV. RECOMMENDED MOTION:** I move that the City Council direct the City Manager to continue the redesign of the Destin Cross Town Connector retention system utilizing the **ADS StormTech** system to underground retention area #2.

Attachments:

1. Destin Cross Town Connector  
(S317945) 10-04-22\_CLTMarkup (1)
2. Presentation

| PROJECT INFORMATION         |                                                          |
|-----------------------------|----------------------------------------------------------|
| ENGINEERED PRODUCT MANAGER: | EVAN BOWLES<br>470-701-1106<br>EVAN.BOWLES@ADSPIPE.COM   |
| ADS SALES REP:              | RICHARD OROS<br>850-572-1838<br>RICHARD.OROS@ADSPIPE.COM |
| PROJECT NO:                 | S317945                                                  |



# DESTIN CROSS TOWN CONNECTOR

## DESTIN, FL

### MC-3500 STORMTECH CHAMBER SPECIFICATIONS

- CHAMBERS SHALL BE STORMTECH MC-3500.
- CHAMBERS SHALL BE ARCH-SHAPED AND SHALL BE MANUFACTURED FROM VIRGIN, IMPACT-MODIFIED POLYPROPYLENE COPOLYMERS.
- CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS" CHAMBER CLASSIFICATION 45x76 DESIGNATION SS.
- CHAMBER ROWS SHALL PROVIDE CONTINUOUS, UNOBSTRUCTED INTERNAL SPACE WITH NO INTERNAL SUPPORTS THAT WOULD IMPEDE FLOW OR LIMIT ACCESS FOR INSPECTION.
- THE STRUCTURAL DESIGN OF THE CHAMBERS, THE STRUCTURAL BACKFILL, AND THE INSTALLATION REQUIREMENTS SHALL ENSURE THAT THE LOAD FACTORS SPECIFIED IN THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, SECTION 12.12, ARE MET FOR: 1) LONG-DURATION DEAD LOADS AND 2) SHORT-DURATION LIVE LOADS, BASED ON THE AASHTO DESIGN TRUCK WITH CONSIDERATION FOR IMPACT AND MULTIPLE VEHICLE PRESENCES.
- CHAMBERS SHALL BE DESIGNED, TESTED AND ALLOWABLE LOAD CONFIGURATIONS DETERMINED IN ACCORDANCE WITH ASTM F2787, "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS". LOAD CONFIGURATIONS SHALL INCLUDE: 1) INSTANTANEOUS (<1 MIN) AASHTO DESIGN TRUCK LIVE LOAD ON MINIMUM COVER 2) MAXIMUM PERMANENT (75-YR) COVER LOAD AND 3) ALLOWABLE COVER WITH PARKED (1-WEEK) AASHTO DESIGN TRUCK.
- REQUIREMENTS FOR HANDLING AND INSTALLATION:
  - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
  - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 3".
  - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, a) THE ARCH STIFFNESS CONSTANT SHALL BE GREATER THAN OR EQUAL TO 450 LBS/FT/%. THE ASC IS DEFINED IN SECTION 6.2.8 OF ASTM F2418. AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.
- ONLY CHAMBERS THAT ARE APPROVED BY THE SITE DESIGN ENGINEER WILL BE ALLOWED. UPON REQUEST BY THE SITE DESIGN ENGINEER OR OWNER, THE CHAMBER MANUFACTURER SHALL SUBMIT A STRUCTURAL EVALUATION FOR APPROVAL BEFORE DELIVERING CHAMBERS TO THE PROJECT SITE AS FOLLOWS:
  - THE STRUCTURAL EVALUATION SHALL BE SEALED BY A REGISTERED PROFESSIONAL ENGINEER.
  - THE STRUCTURAL EVALUATION SHALL DEMONSTRATE THAT THE SAFETY FACTORS ARE GREATER THAN OR EQUAL TO 1.95 FOR DEAD LOAD AND 1.75 FOR LIVE LOAD, THE MINIMUM REQUIRED BY ASTM F2787 AND BY SECTIONS 3 AND 12.12 OF THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS FOR THERMOPLASTIC PIPE.
  - THE TEST DERIVED CREEP MODULUS AS SPECIFIED IN ASTM F2418 SHALL BE USED FOR PERMANENT DEAD LOAD DESIGN EXCEPT THAT IT SHALL BE THE 75-YEAR MODULUS USED FOR DESIGN.
- CHAMBERS AND END CAPS SHALL BE PRODUCED AT AN ISO 9001 CERTIFIED MANUFACTURING FACILITY.

### IMPORTANT - NOTES FOR THE BIDDING AND INSTALLATION OF MC-3500 CHAMBER SYSTEM

- STORMTECH MC-3500 CHAMBERS SHALL NOT BE INSTALLED UNTIL THE MANUFACTURER'S REPRESENTATIVE HAS COMPLETED A PRE-CONSTRUCTION MEETING WITH THE INSTALLERS.
- STORMTECH MC-3500 CHAMBERS SHALL BE INSTALLED IN ACCORDANCE WITH THE "STORMTECH MC-3500/MC-4500 CONSTRUCTION GUIDE".
- CHAMBERS ARE NOT TO BE BACKFILLED WITH A DOZER OR AN EXCAVATOR SITUATED OVER THE CHAMBERS. STORMTECH RECOMMENDS 3 BACKFILL METHODS:
  - STONESHOOTER LOCATED OFF THE CHAMBER BED.
  - BACKFILL AS ROWS ARE BUILT USING AN EXCAVATOR ON THE FOUNDATION STONE OR SUBGRADE.
  - BACKFILL FROM OUTSIDE THE EXCAVATION USING A LONG BOOM HOE OR EXCAVATOR.
- THE FOUNDATION STONE SHALL BE LEVELED AND COMPACTED PRIOR TO PLACING CHAMBERS.
- JOINTS BETWEEN CHAMBERS SHALL BE PROPERLY SEATED PRIOR TO PLACING STONE.
- MAINTAIN MINIMUM - 6" (150 mm) SPACING BETWEEN THE CHAMBER ROWS.
- INLET AND OUTLET MANIFOLDS MUST BE INSERTED A MINIMUM OF 12" (300 mm) INTO CHAMBER END CAPS.
- EMBEDMENT STONE SURROUNDING CHAMBERS MUST BE A CLEAN, CRUSHED, ANGULAR STONE MEETING THE AASHTO M43 DESIGNATION OF #3 OR #4.
- STONE MUST BE PLACED ON THE TOP CENTER OF THE CHAMBER TO ANCHOR THE CHAMBERS IN PLACE AND PRESERVE ROW SPACING.
- THE CONTRACTOR MUST REPORT ANY DISCREPANCIES WITH CHAMBER FOUNDATION MATERIALS BEARING CAPACITIES TO THE SITE DESIGN ENGINEER.
- ADS RECOMMENDS THE USE OF "FLEXSTORM CATCH IT" INSERTS DURING CONSTRUCTION FOR ALL INLETS TO PROTECT THE SUBSURFACE STORMWATER MANAGEMENT SYSTEM FROM CONSTRUCTION SITE RUNOFF.

### NOTES FOR CONSTRUCTION EQUIPMENT

- STORMTECH MC-3500 CHAMBERS SHALL BE INSTALLED IN ACCORDANCE WITH THE "STORMTECH MC-3500/MC-4500 CONSTRUCTION GUIDE".
- THE USE OF EQUIPMENT OVER MC-3500 CHAMBERS IS LIMITED:
  - NO EQUIPMENT IS ALLOWED ON BARE CHAMBERS.
  - NO RUBBER TIRED LOADER, DUMP TRUCK, OR EXCAVATORS ARE ALLOWED UNTIL PROPER FILL DEPTHS ARE REACHED IN ACCORDANCE WITH THE "STORMTECH MC-3500/MC-4500 CONSTRUCTION GUIDE".
  - WEIGHT LIMITS FOR CONSTRUCTION EQUIPMENT CAN BE FOUND IN THE "STORMTECH MC-3500/MC-4500 CONSTRUCTION GUIDE".
- FULL 36" (900 mm) OF STABILIZED COVER MATERIALS OVER THE CHAMBERS IS REQUIRED FOR DUMP TRUCK TRAVEL OR DUMPING.

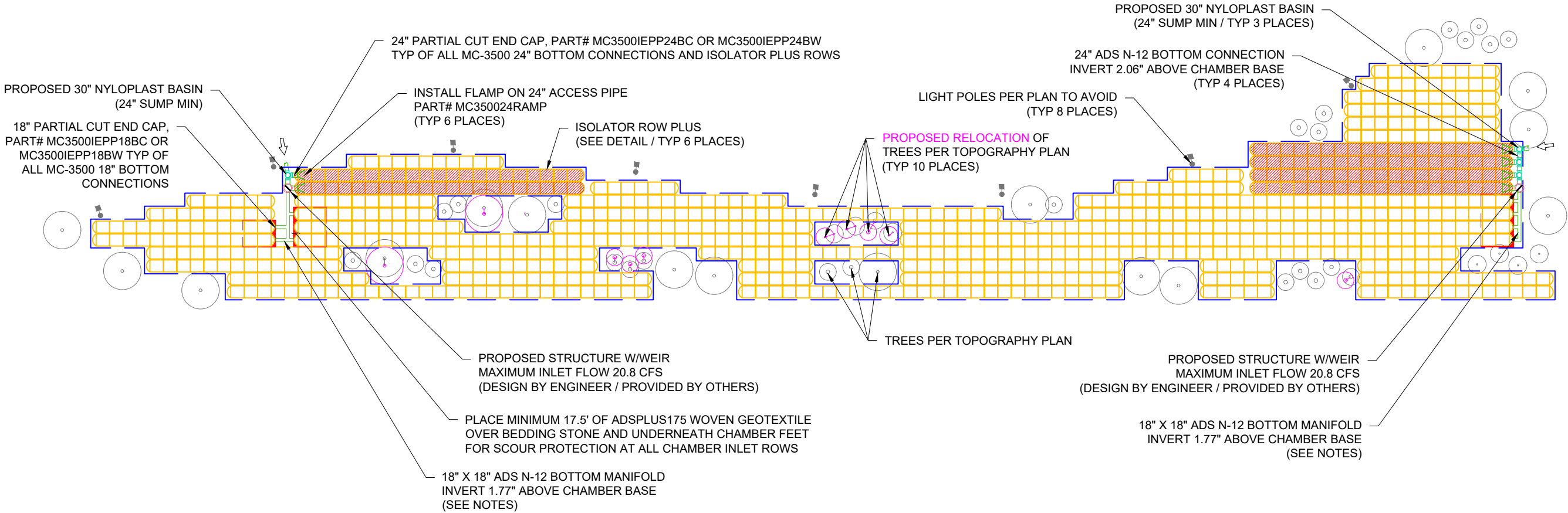
**USE OF A DOZER TO PUSH EMBEDMENT STONE BETWEEN THE ROWS OF CHAMBERS MAY CAUSE DAMAGE TO CHAMBERS AND IS NOT AN ACCEPTABLE BACKFILL METHOD. ANY CHAMBERS DAMAGED BY USING THE "DUMP AND PUSH" METHOD ARE NOT COVERED UNDER THE STORMTECH STANDARD WARRANTY.**

CONTACT STORMTECH AT 1-888-892-2694 WITH ANY QUESTIONS ON INSTALLATION REQUIREMENTS OR WEIGHT LIMITS FOR CONSTRUCTION EQUIPMENT.

| PROPOSED LAYOUT |                                                         |
|-----------------|---------------------------------------------------------|
| 827             | STORMTECH MC-3500 CHAMBERS                              |
| 100             | STORMTECH MC-3500 END CAPS                              |
| 12              | STONE ABOVE (in)                                        |
| 9               | STONE BELOW (in)                                        |
| 40              | % STONE VOID                                            |
| 154,776         | INSTALLED SYSTEM VOLUME (CF) (PERIMETER STONE INCLUDED) |
| 13147           | ISOLATOR ROW WQ VOLUME (BARE CHAMBER ONLY)              |
| 45146           | SYSTEM AREA (ft²)                                       |
| 2143            | SYSTEM PERIMETER (ft)                                   |

| PROPOSED ELEVATIONS |                                                     |
|---------------------|-----------------------------------------------------|
| 23.50               | MAXIMUM ALLOWABLE GRADE (TOP OF PAVEMENT/UNPAVED)   |
| 17.50               | MINIMUM ALLOWABLE GRADE (UNPAVED WITH TRAFFIC)      |
| 17.00               | MINIMUM ALLOWABLE GRADE (UNPAVED NO TRAFFIC)        |
| 17.00               | MINIMUM ALLOWABLE GRADE (BASE OF FLEXIBLE PAVEMENT) |
| 17.00               | MINIMUM ALLOWABLE GRADE (TOP OF RIGID PAVEMENT)     |
| 16.50               | TOP OF STONE                                        |
| 15.50               | TOP OF MC-3500 CHAMBER                              |
| 11.92               | 24" ISOLATOR ROW PLUS CONNECTION INVERT             |
| 11.90               | 18" BOTTOM MANIFOLD INVERT                          |
| 11.75               | BOTTOM OF MC-3500 CHAMBER                           |
| 11.00               | BOTTOM OF STONE                                     |

- NOTES
- MANIFOLD SIZE TO BE DETERMINED BY SITE DESIGN ENGINEER. SEE TECHNICAL NOTE 6.32 FOR MANIFOLD SIZING GUIDANCE.
  - DUE TO THE ADAPTATION OF THIS CHAMBER SYSTEM TO SPECIFIC SITE AND DESIGN CONSTRAINTS, IT MAY BE NECESSARY TO CUT AND COUPLE ADDITIONAL PIPE TO STANDARD MANIFOLD COMPONENTS IN THE FIELD.
  - THE SITE DESIGN ENGINEER MUST REVIEW ELEVATIONS AND IF NECESSARY ADJUST GRADING TO ENSURE THE CHAMBER COVER REQUIREMENTS ARE MET.
  - THIS CHAMBER SYSTEM WAS DESIGNED WITHOUT SITE-SPECIFIC INFORMATION ON SOIL CONDITIONS OR BEARING CAPACITY. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR DETERMINING THE SUITABILITY OF THE SOIL AND PROVIDING THE BEARING CAPACITY OF THE INSITU SOILS. THE BASE STONE DEPTH MAY BE INCREASED OR DECREASED ONCE THIS INFORMATION IS PROVIDED.



DESTIN CROSS TOWN CONNECTOR

DESTIN, FL

DATE: 10-04-2022

PROJECT #: S317945

DRAWN: NSL

CHECKED: CJD

| DATE | DRWN | CHKD | DESCRIPTION |
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4640 TRUEMAN BLVD  
HILLIARD, OH 43026

StormTech®  
Chamber System

888-892-2694 | WWW.STORMTECH.COM

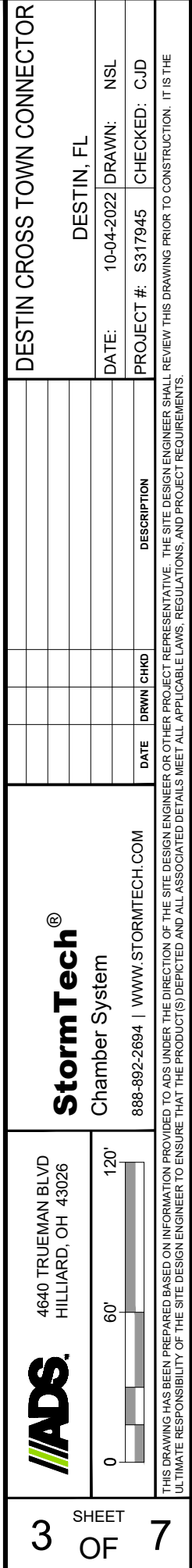
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SHEET

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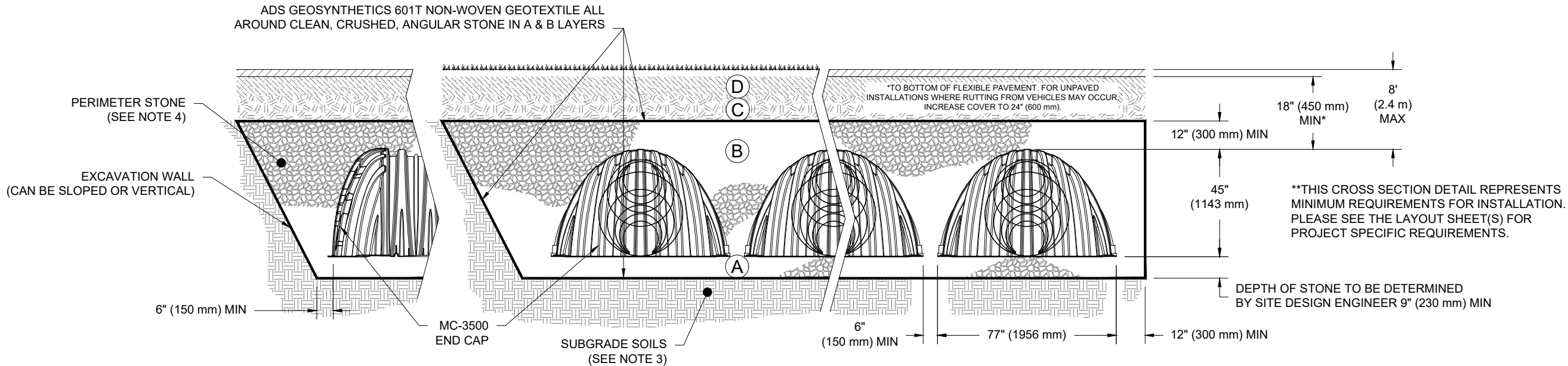


## ACCEPTABLE FILL MATERIALS: STORMTECH MC-3500 CHAMBER SYSTEMS

| MATERIAL LOCATION |                                                                                                                                                                                                                  | DESCRIPTION                                                                                                                                                | AASHTO MATERIAL CLASSIFICATIONS                                                                                                                   | COMPACTION / DENSITY REQUIREMENT                                                                                                                                                                                                                      |
|-------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| D                 | <b>FINAL FILL:</b> FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER  | ANY SOIL/ROCK MATERIALS, NATIVE SOILS, OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.                                            | N/A                                                                                                                                               | PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.                                                                                                                               |
| C                 | <b>INITIAL FILL:</b> FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 24" (600 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER. | GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE.<br><br>MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER. | AASHTO M145 <sup>1</sup><br>A-1, A-2-4, A-3<br><br>OR<br><br>AASHTO M43 <sup>1</sup><br>3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10 | BEGIN COMPACTIONS AFTER 24" (600 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 12" (300 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. |
| B                 | <b>EMBEDMENT STONE:</b> FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.                                                                                              | CLEAN, CRUSHED, ANGULAR STONE                                                                                                                              | AASHTO M43 <sup>1</sup><br>3, 4                                                                                                                   | NO COMPACTION REQUIRED.                                                                                                                                                                                                                               |
| A                 | <b>FOUNDATION STONE:</b> FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.                                                                                                           | CLEAN, CRUSHED, ANGULAR STONE                                                                                                                              | AASHTO M43 <sup>1</sup><br>3, 4                                                                                                                   | PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. <sup>2,3</sup>                                                                                                                                                                                       |

PLEASE NOTE:

1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 9" (230 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.
4. ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.



## NOTES:

1. CHAMBERS SHALL MEET THE REQUIREMENTS OF ASTM F2418, "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS" CHAMBER CLASSIFICATION 45x76 DESIGNATION SS.
2. MC-3500 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
4. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
5. REQUIREMENTS FOR HANDLING AND INSTALLATION:
  - TO MAINTAIN THE WIDTH OF CHAMBERS DURING SHIPPING AND HANDLING, CHAMBERS SHALL HAVE INTEGRAL, INTERLOCKING STACKING LUGS.
  - TO ENSURE A SECURE JOINT DURING INSTALLATION AND BACKFILL, THE HEIGHT OF THE CHAMBER JOINT SHALL NOT BE LESS THAN 3".
  - TO ENSURE THE INTEGRITY OF THE ARCH SHAPE DURING INSTALLATION, a) THE ARCH STIFFNESS CONSTANT AS DEFINED IN SECTION 6.2.8 OF ASTM F2418 SHALL BE GREATER THAN OR EQUAL TO 500 LBS/FT/% AND b) TO RESIST CHAMBER DEFORMATION DURING INSTALLATION AT ELEVATED TEMPERATURES (ABOVE 73° F / 23° C), CHAMBERS SHALL BE PRODUCED FROM REFLECTIVE GOLD OR YELLOW COLORS.

# DESTIN CROSS TOWN CONNECTOR

DESTIN, FL

DATE: 10-04-2022 DRAWN: NSL

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|------------|---------|----------|-----|
| PROJECT #: | S317945 | CHECKED: | CJD |
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Chamber System

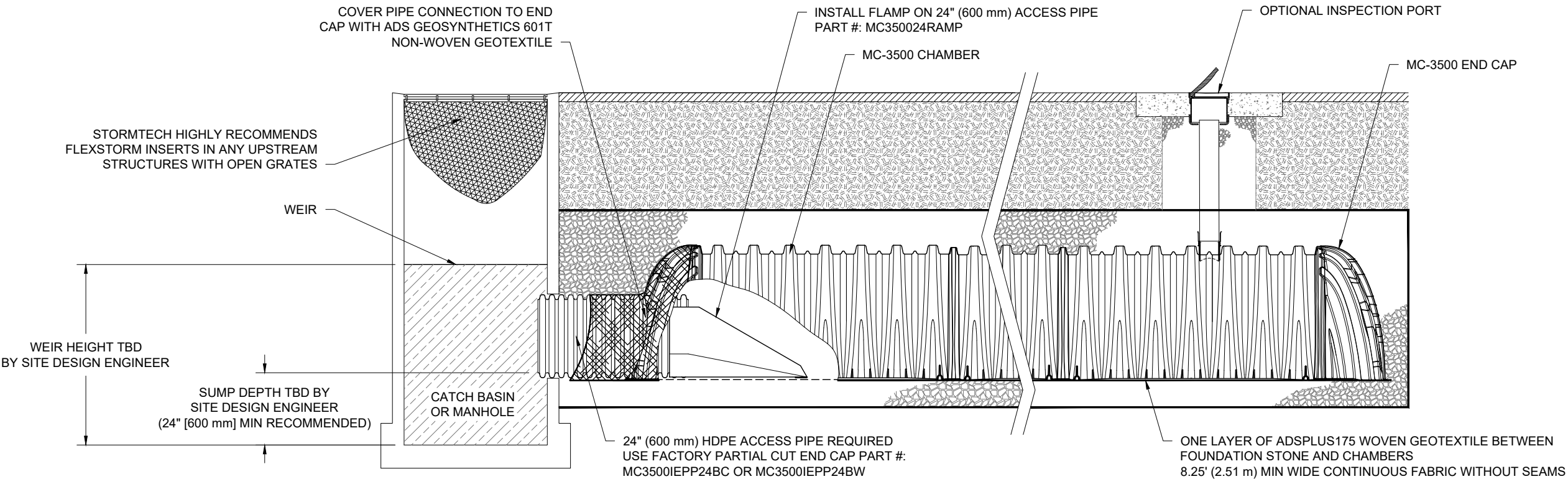
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HILLIARD, OH 43026



4 SHEET OF 7





MC-3500 ISOLATOR ROW PLUS DETAIL  
NTS

INSPECTION & MAINTENANCE

- STEP 1) INSPECT ISOLATOR ROW PLUS FOR SEDIMENT
- A. INSPECTION PORTS (IF PRESENT)
    - A.1. REMOVE/OPEN LID ON NYLOPLAST INLINE DRAIN
    - A.2. REMOVE AND CLEAN FLEXSTORM FILTER IF INSTALLED
    - A.3. USING A FLASHLIGHT AND STADIA ROD, MEASURE DEPTH OF SEDIMENT AND RECORD ON MAINTENANCE LOG
    - A.4. LOWER A CAMERA INTO ISOLATOR ROW PLUS FOR VISUAL INSPECTION OF SEDIMENT LEVELS (OPTIONAL)
    - A.5. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
  - B. ALL ISOLATOR PLUS ROWS
    - B.1. REMOVE COVER FROM STRUCTURE AT UPSTREAM END OF ISOLATOR ROW PLUS
    - B.2. USING A FLASHLIGHT, INSPECT DOWN THE ISOLATOR ROW PLUS THROUGH OUTLET PIPE
      - i) MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY
      - ii) FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE
    - B.3. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
- STEP 2) CLEAN OUT ISOLATOR ROW PLUS USING THE JETVAC PROCESS
- A. A FIXED CULVERT CLEANING NOZZLE WITH REAR FACING SPREAD OF 45" (1.1 m) OR MORE IS PREFERRED
  - B. APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFLUSH WATER IS CLEAN
  - C. VACUUM STRUCTURE SUMP AS REQUIRED
- STEP 3) REPLACE ALL COVERS, GRATES, FILTERS, AND LIDS; RECORD OBSERVATIONS AND ACTIONS.
- STEP 4) INSPECT AND CLEAN BASINS AND MANHOLES UPSTREAM OF THE STORMTECH SYSTEM.

NOTES

1. INSPECT EVERY 6 MONTHS DURING THE FIRST YEAR OF OPERATION. ADJUST THE INSPECTION INTERVAL BASED ON PREVIOUS OBSERVATIONS OF SEDIMENT ACCUMULATION AND HIGH WATER ELEVATIONS.
2. CONDUCT JETTING AND VACTORING ANNUALLY OR WHEN INSPECTION SHOWS THAT MAINTENANCE IS NECESSARY.

DESTIN CROSS TOWN CONNECTOR

DESTIN, FL

DATE: 10-04-2022

PROJECT #: S317945

DRAWN: NSL

CHECKED: CJD

| DATE | DRWN | CHKD | DESCRIPTION |
|------|------|------|-------------|
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4640 TRUEMAN BLVD  
HILLIARD, OH 43026

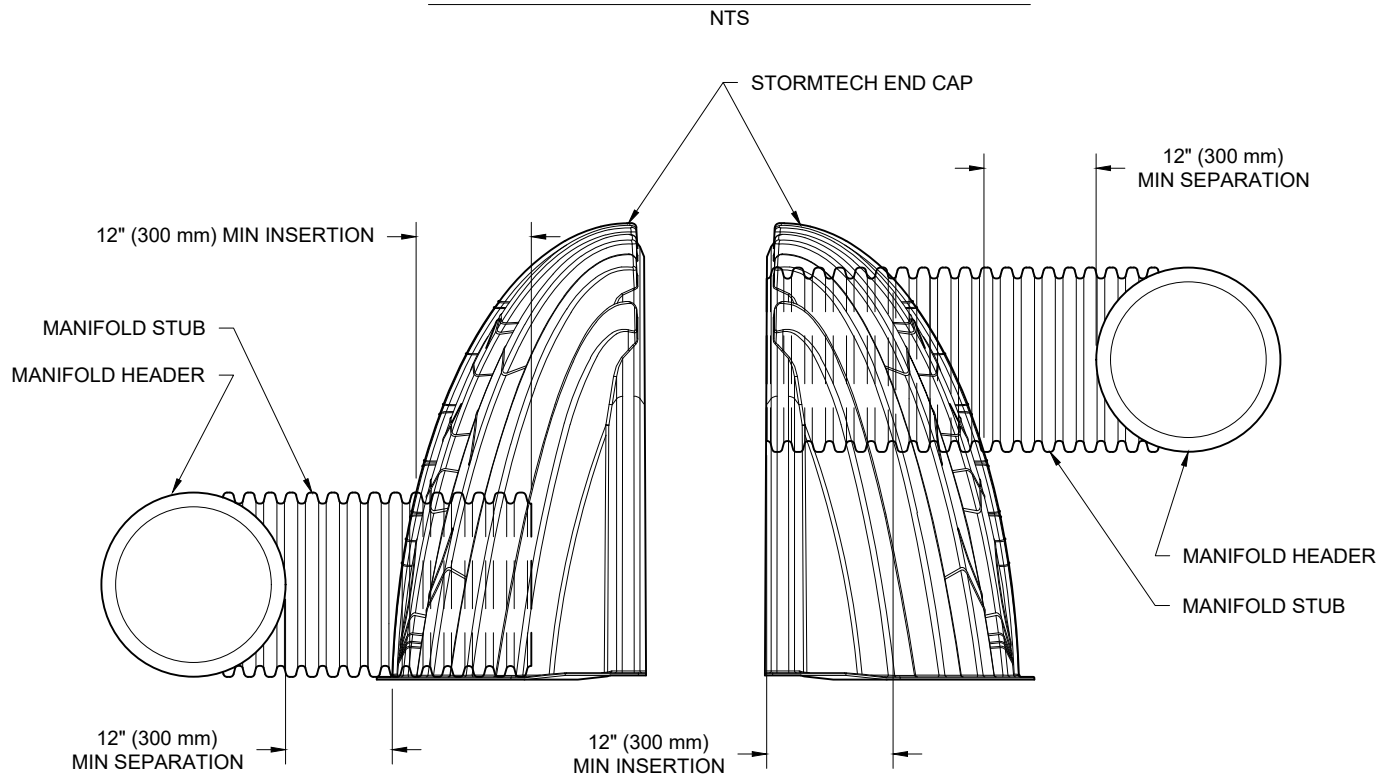
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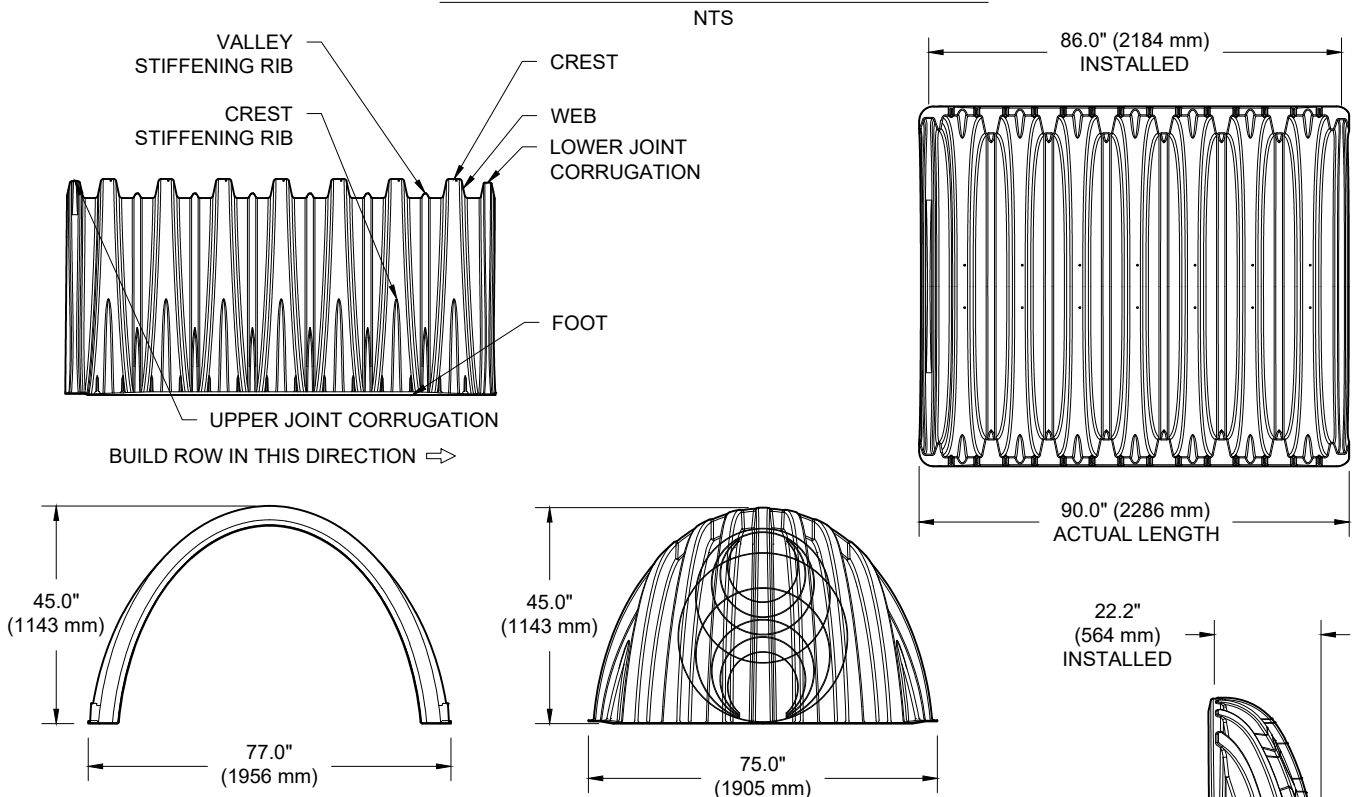
5 SHEET  
OF 7

MC-SERIES END CAP INSERTION DETAIL



NOTE: MANIFOLD STUB MUST BE LAID HORIZONTAL FOR A PROPER FIT IN END CAP OPENING.

MC-3500 TECHNICAL SPECIFICATION



NOMINAL CHAMBER SPECIFICATIONS

|                                 |                       |                               |
|---------------------------------|-----------------------|-------------------------------|
| SIZE (W X H X INSTALLED LENGTH) | 77.0" X 45.0" X 86.0" | (1956 mm X 1143 mm X 2184 mm) |
| CHAMBER STORAGE                 | 109.9 CUBIC FEET      | (3.11 m³)                     |
| MINIMUM INSTALLED STORAGE*      | 175.0 CUBIC FEET      | (4.96 m³)                     |
| WEIGHT                          | 134 lbs.              | (60.8 kg)                     |

NOMINAL END CAP SPECIFICATIONS

|                                 |                       |                              |
|---------------------------------|-----------------------|------------------------------|
| SIZE (W X H X INSTALLED LENGTH) | 75.0" X 45.0" X 22.2" | (1905 mm X 1143 mm X 564 mm) |
| END CAP STORAGE                 | 14.9 CUBIC FEET       | (0.42 m³)                    |
| MINIMUM INSTALLED STORAGE*      | 45.1 CUBIC FEET       | (1.28 m³)                    |
| WEIGHT                          | 49 lbs.               | (22.2 kg)                    |

\*ASSUMES 12" (305 mm) STONE ABOVE, 9" (229 mm) STONE FOUNDATION, 6" (152 mm) STONE BETWEEN CHAMBERS, 6" (152 mm) STONE PERIMETER IN FRONT OF END CAPS AND 40% STONE POROSITY.

PARTIAL CUT HOLES AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"  
PARTIAL CUT HOLES AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"  
END CAPS WITH A PREFABRICATED WELDED STUB END WITH "W"  
END CAPS WITH A WELDED CROWN PLATE END WITH "C"

| PART #         | STUB         | B               | C             |
|----------------|--------------|-----------------|---------------|
| MC3500IEPP06T  | 6" (150 mm)  | 33.21" (844 mm) | ---           |
| MC3500IEPP06B  |              | ---             | 0.66" (17 mm) |
| MC3500IEPP08T  | 8" (200 mm)  | 31.16" (791 mm) | ---           |
| MC3500IEPP08B  |              | ---             | 0.81" (21 mm) |
| MC3500IEPP10T  | 10" (250 mm) | 29.04" (738 mm) | ---           |
| MC3500IEPP10B  |              | ---             | 0.93" (24 mm) |
| MC3500IEPP12T  | 12" (300 mm) | 26.36" (670 mm) | ---           |
| MC3500IEPP12B  |              | ---             | 1.35" (34 mm) |
| MC3500IEPP15T  | 15" (375 mm) | 23.39" (594 mm) | ---           |
| MC3500IEPP15B  |              | ---             | 1.50" (38 mm) |
| MC3500IEPP18TC | 18" (450 mm) | 20.03" (509 mm) | ---           |
| MC3500IEPP18TW |              | ---             | 1.77" (45 mm) |
| MC3500IEPP18BC |              |                 |               |
| MC3500IEPP18BW |              |                 |               |
| MC3500IEPP24TC | 24" (600 mm) | 14.48" (368 mm) | ---           |
| MC3500IEPP24TW |              | ---             | 2.06" (52 mm) |
| MC3500IEPP24BC |              |                 |               |
| MC3500IEPP24BW |              |                 |               |
| MC3500IEPP30BC | 30" (750 mm) | ---             | 2.75" (70 mm) |

NOTE: ALL DIMENSIONS ARE NOMINAL

CUSTOM PARTIAL CUT INVERTS ARE AVAILABLE UPON REQUEST. INVENTORIED MANIFOLDS INCLUDE 12-24" (300-600 mm) SIZE ON SIZE AND 15-48" (375-1200 mm) ECCENTRIC MANIFOLDS. CUSTOM INVERT LOCATIONS ON THE MC-3500 END CAP CUT IN THE FIELD ARE NOT RECOMMENDED FOR PIPE SIZES GREATER THAN 10" (250 mm). THE INVERT LOCATION IN COLUMN 'B' ARE THE HIGHEST POSSIBLE FOR THE PIPE SIZE.

DESTIN CROSS TOWN CONNECTOR

DESTIN, FL

DATE: 10-04-2022

DRAWN: NSL

PROJECT #: S317945

CHECKED: CJD

| DESCRIPTION | DATE | DRWN | CHKD |
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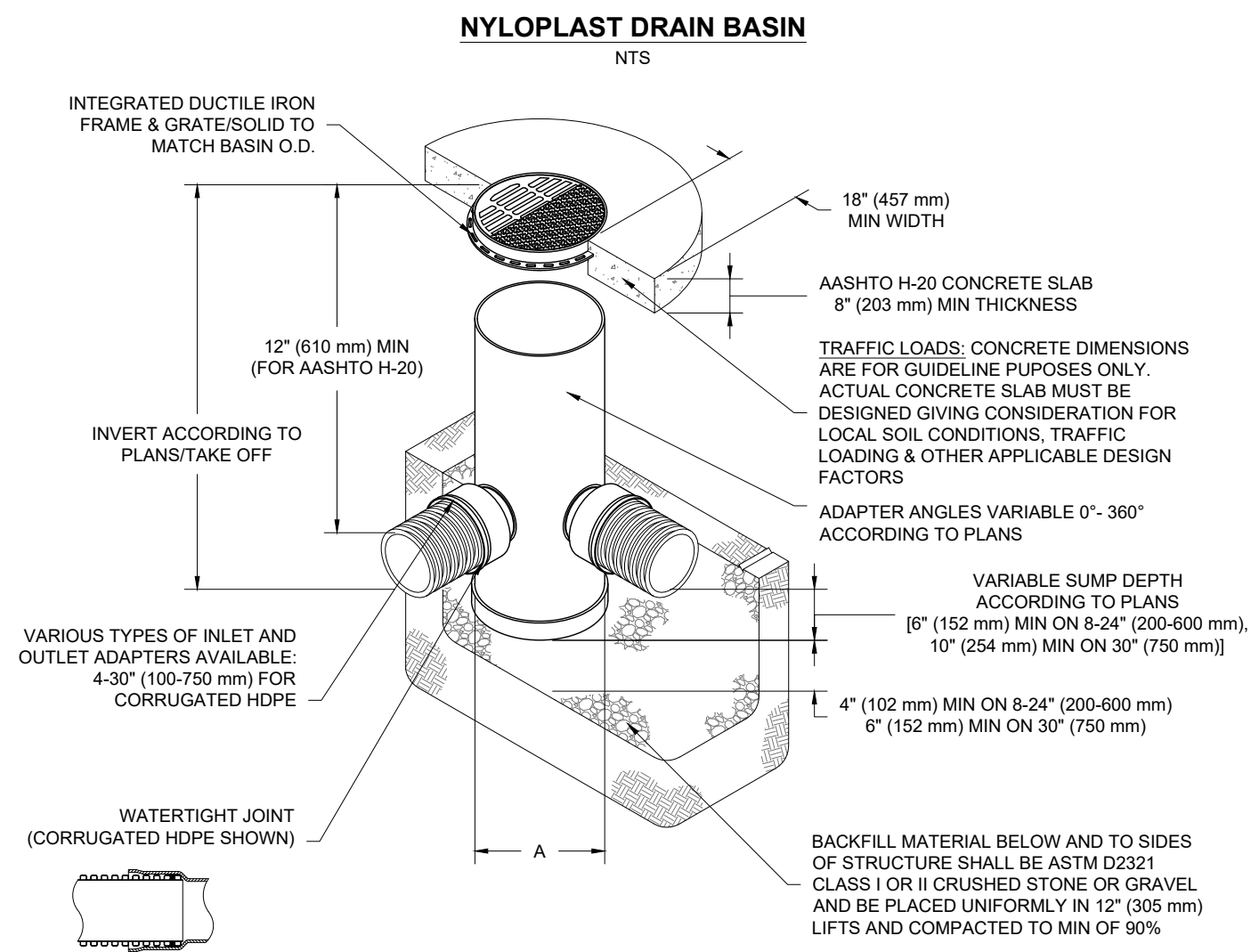
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NOTES

- 1. 8-30" (200-750 mm) GRATES/SOLID COVERS SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05
- 2. 12-30" (300-750 mm) FRAMES SHALL BE DUCTILE IRON PER ASTM A536 GRADE 70-50-05
- 3. DRAIN BASIN TO BE CUSTOM MANUFACTURED ACCORDING TO PLAN DETAILS
- 4. DRAINAGE CONNECTION STUB JOINT TIGHTNESS SHALL CONFORM TO ASTM D3212 FOR CORRUGATED HDPE (ADS & HANCOR DUAL WALL) & SDR 35 PVC
- 5. FOR COMPLETE DESIGN AND PRODUCT INFORMATION: [WWW.NYLOPLAST-US.COM](http://WWW.NYLOPLAST-US.COM)
- 6. TO ORDER CALL: 800-821-6710

| A               | PART # | GRATE/SOLID COVER OPTIONS |                      |                   |
|-----------------|--------|---------------------------|----------------------|-------------------|
| 8"<br>(200 mm)  | 2808AG | PEDESTRIAN LIGHT DUTY     | STANDARD LIGHT DUTY  | SOLID LIGHT DUTY  |
| 10"<br>(250 mm) | 2810AG | PEDESTRIAN LIGHT DUTY     | STANDARD LIGHT DUTY  | SOLID LIGHT DUTY  |
| 12"<br>(300 mm) | 2812AG | PEDESTRIAN AASHTO H-10    | STANDARD AASHTO H-20 | SOLID AASHTO H-20 |
| 15"<br>(375 mm) | 2815AG | PEDESTRIAN AASHTO H-10    | STANDARD AASHTO H-20 | SOLID AASHTO H-20 |
| 18"<br>(450 mm) | 2818AG | PEDESTRIAN AASHTO H-10    | STANDARD AASHTO H-20 | SOLID AASHTO H-20 |
| 24"<br>(600 mm) | 2824AG | PEDESTRIAN AASHTO H-10    | STANDARD AASHTO H-20 | SOLID AASHTO H-20 |
| 30"<br>(750 mm) | 2830AG | PEDESTRIAN AASHTO H-20    | STANDARD AASHTO H-20 | SOLID AASHTO H-20 |

DESTIN CROSS TOWN CONNECTOR

DESTIN, FL

DATE: 10-04-2022 DRAWN: NSL

PROJECT #: S317945 CHECKED: CJD

| DESCRIPTION | DATE | DRWN | CHKD |
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**ADS**

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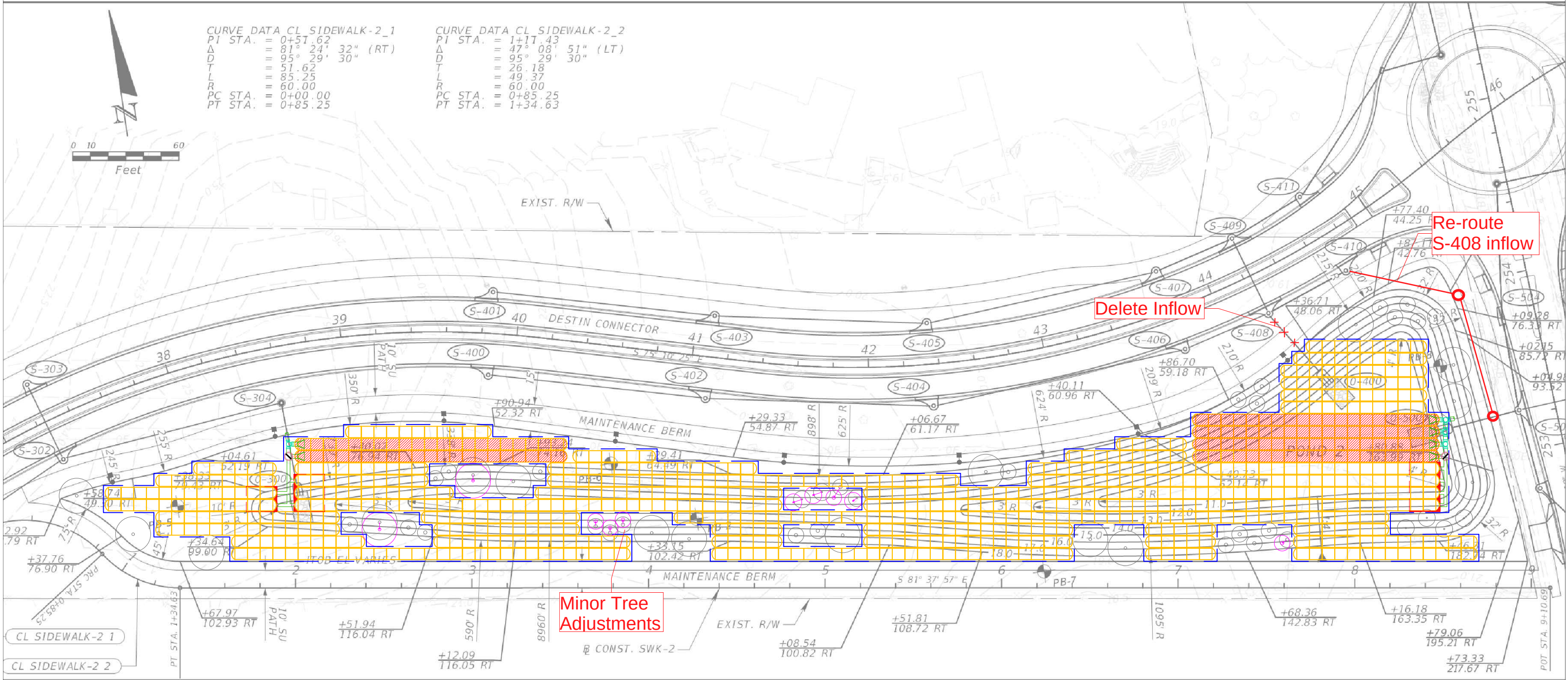
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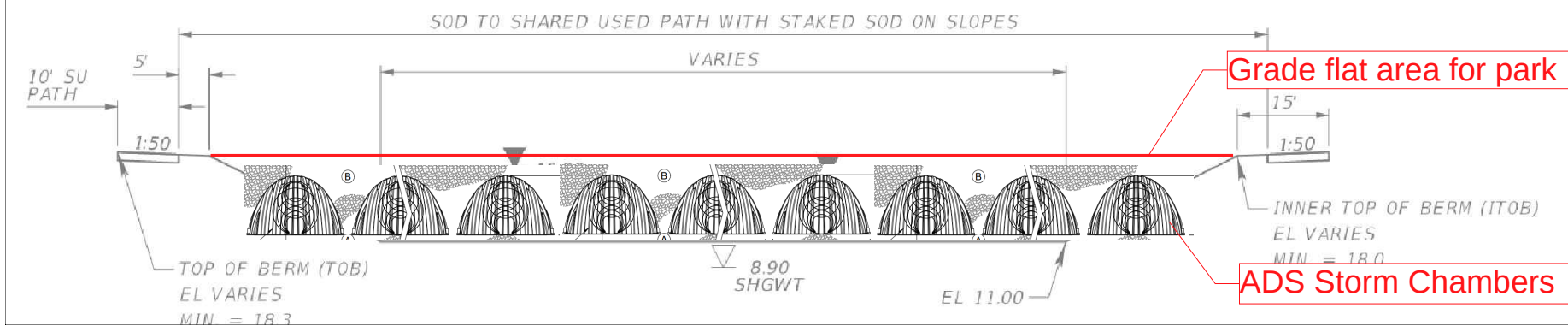
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**NOTES:**

1. STATION AND OFFSET CALLOUTS MEASURED FROM  $\varnothing$  CONST. CONNECTOR.



# Cross Town Connector Stormwater Management, In Ground Alternatives

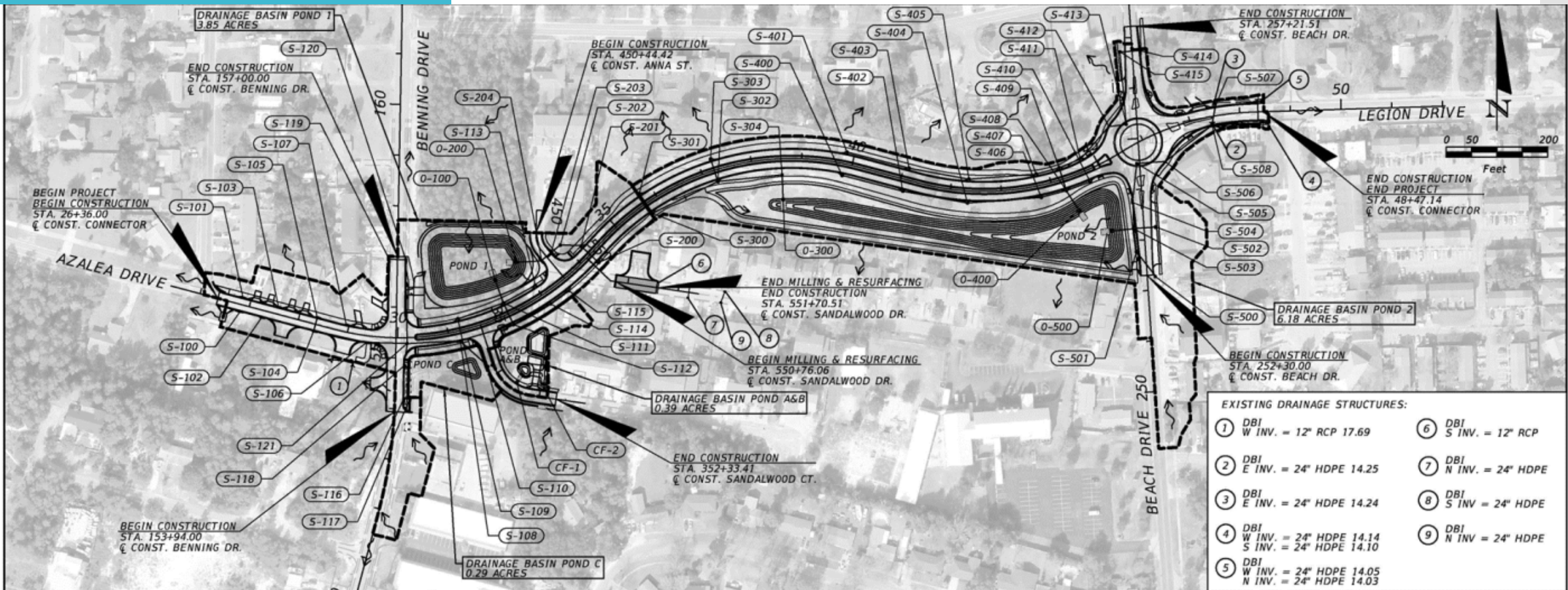


# City Council Request

City Council directed staff redesign pond #2 of the Cross Town Connector to an underground system to allow for the potential of a park to be designed along the roadway.



# Original Site Plan



#### EXISTING DRAINAGE STRUCTURES:

- |                                                             |                            |
|-------------------------------------------------------------|----------------------------|
| ① DBI<br>W INV. = 12" RCP 17.69                             | ⑥ DBI<br>S INV. = 12" RCP  |
| ② DBI<br>E INV. = 24" HDPE 14.25                            | ⑦ DBI<br>N INV. = 24" HDPE |
| ③ DBI<br>E INV. = 24" HDPE 14.24                            | ⑧ DBI<br>S INV. = 24" HDPE |
| ④ DBI<br>W INV. = 24" HDPE 14.14<br>S INV. = 24" HDPE 14.10 | ⑨ DBI<br>N INV. = 24" HDPE |
| ⑤ DBI<br>W INV. = 24" HDPE 14.05<br>N INV. = 24" HDPE 14.03 |                            |

| REVISIONS |             |      |             |
|-----------|-------------|------|-------------|
| DATE      | DESCRIPTION | DATE | DESCRIPTION |
|           |             |      |             |
|           |             |      |             |

NIKKI E. ROWE, P.E.  
P.E. LICENSE NUMBER 87498  
ATKINS NORTH AMERICA, INC.  
482 S. KELLER ROAD  
ORLANDO, FL 32810

#### CITY OF DESTIN

| COUNTY   | CONSTRUCTION PLANS FOR:     |
|----------|-----------------------------|
| OKALOOSA | DESTIN CROSS TOWN CONNECTOR |

#### DRAINAGE MAP

SHEET  
NO.

4

# Presented to Council on August 1, 2022

## Comparison Table

**\$77,384  
Difference**

|               |           | NDS                                                         | ADS                                                                             | Contech                                                                                | Triton                                                            | StormTrap                                                         | Traditional Retention                                                                                       |
|---------------|-----------|-------------------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Cost          | Pond 1    | \$457,157.00 (+)                                            | \$810,778.00                                                                    | \$768,105.00                                                                           | \$360,156.00 (+)                                                  | \$1,024,140.00                                                    | \$139,966.00                                                                                                |
|               | Pond 2    | \$827,114.00 (+)                                            | \$1,470,296.00                                                                  | \$1,392,912.00                                                                         | \$653,121.00 (+)                                                  | \$1,857,216.00                                                    | \$253,820.00                                                                                                |
| Inspection    | Frequency | Annual                                                      | Annual                                                                          | Annual                                                                                 | Annual                                                            | Annual                                                            | Annual                                                                                                      |
| Maintenance   | Type      | Vacuum Truck                                                | JetVac Truck                                                                    | JetVac Truck                                                                           | JetVac Truck                                                      | JetVac Truck                                                      | Mower/Trash & Sediment Removal                                                                              |
|               | Frequency | Vacuum Sediment as needed. Typically twice a year           | Typically every 5-15 years                                                      | Typically every 2-years                                                                | Sediment exceeds 10" in sump or 3" in header row                  | Sediment reaches 10%-15% Design Volume                            | As needed                                                                                                   |
| Material      |           | Polyethylene                                                | Polypropylene Resin                                                             | Aluminized Steel                                                                       | Forced Soy-resin                                                  | Reinforced Concrete                                               | Earth/Sod                                                                                                   |
| Minimum Cover | Paved     | 18"                                                         | 18"                                                                             | 12"                                                                                    | 18"                                                               | 6"                                                                | N/A                                                                                                         |
|               | Unpaved   | 24"                                                         | 24"                                                                             | 18"                                                                                    | 24"                                                               | 6"                                                                | N/A                                                                                                         |
| Service Life  |           | 100 years                                                   | 100 years                                                                       | 75 years                                                                               | 100 years                                                         | 100 years                                                         | 100 years                                                                                                   |
| Comments      |           | Only system that doesn't require JetVac                     | Fastest manufacturer response time. Already provided preliminary system design. | Same volume in 25% smaller footprint than plastic chambers. Only 75 year service life. | Lightest chamber on market. Eco-friendly, LEED credits available. | Only system that can support trees on top. Most Expensive option. | Lowest cost and minimal maintenance: mowing & trash pickup. Occasional sediment removal. Can be landscaped. |
| Notes         |           | NDS cost is for material ONLY (no stone, installation, etc) |                                                                                 |                                                                                        | Triton cost is for material ONLY (no stone, installation, etc)    |                                                                   |                                                                                                             |

**Over 15-year period  
4.5 times more  
maintenance**

# StormTech vs. Contech

## System Comparisons

### StormTech

#### Pro:

- ☞ Better long-term durability
- ☞ Longer life span
- ☞ Less maintenance required
- ☞ Depth =  $\pm 6'$

#### Con:

- ☞ Bigger footprint
- ☞ More upfront cost

### Contech

#### Pro:

- Smaller footprint
- Lower upfront cost

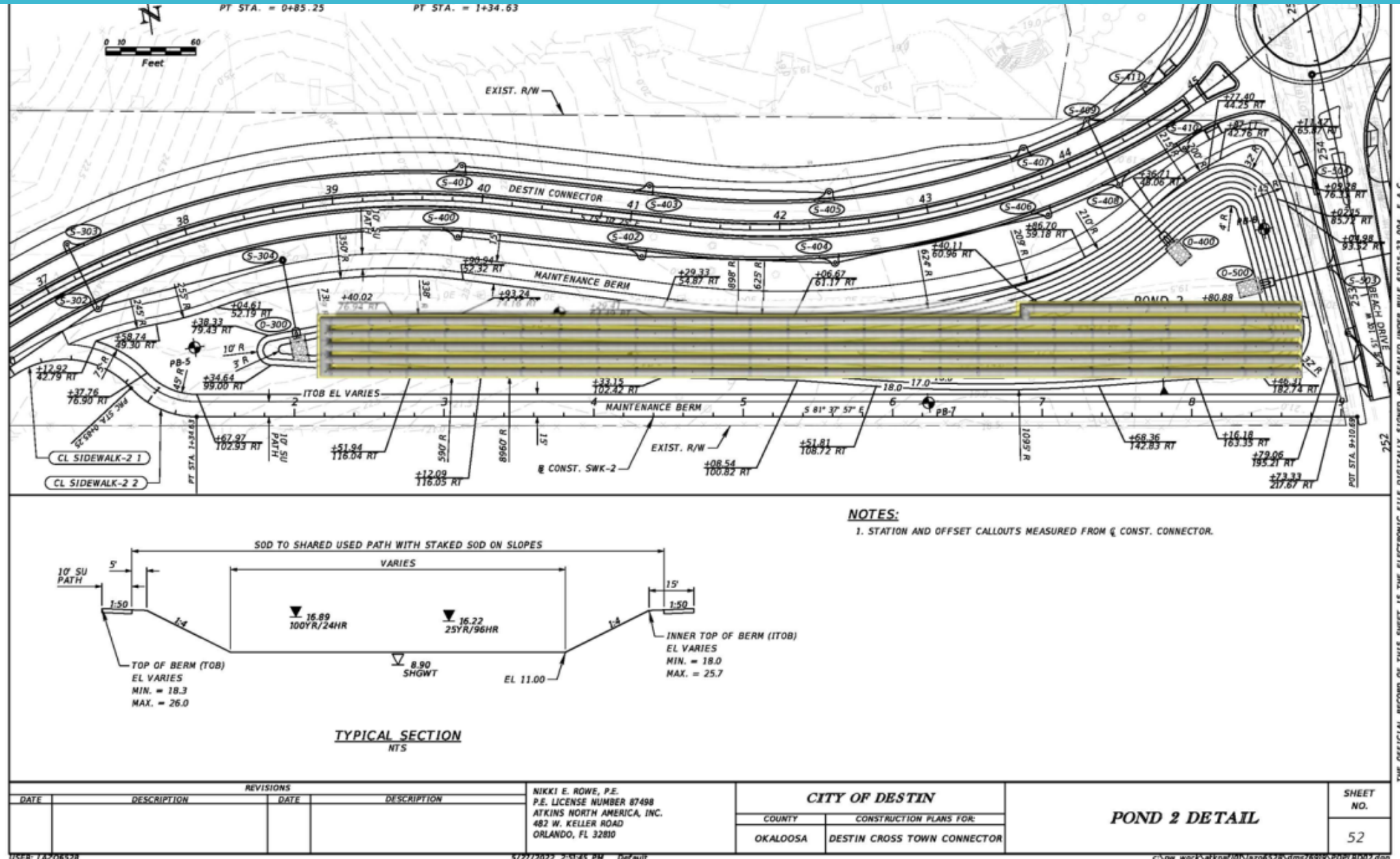
#### Con:

- Less durable
  - Indian Bayou Drainage issues with CMP
  - Overtime can rust and fail
- Less of a life span
- More maintenance required
- Higher maintenance cost
- Depth =  $\pm 9'$





# Contech Layout





# Contech - CMP



CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022

**TYPE OF AGENDA ITEM:** Council Discussion Item

**AGENDA OUTLINE NUMBER:** 4.D.

---

**TO:** City Council

**THRU:** lisa Firth, Parks & Rec Director  
Michael Burgess, Public Services Director  
Jamie Dittmer, Human Resources Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Webb Warren, Deputy City Manager

**DATE:** 10/04/2022

**SUBJECT:** Viability of Cross-Town Connector property as temporary recreational area

---

**I. BACKGROUND:** City Council asked staff to research the viability of utilizing the property to be used to construct the CrossTown Connector as a dog-walking space on a temporary basis.

**II. DISCUSSION:** The former campground property, close to the intersection of Beach Drive and Legion Drive, was inspected on two recent occasions by Staff. During these inspections, it was concluded that activities within the property should be isolated to the dirt roadway, as areas adjacent to the roadway contain undesirable vegetation and these areas are not maintained to a "park-like" level.

Furthermore, it was determined that this area's use should be limited from sun-up to sun-down daily.

The mowing frequency of this property will not change.

The existing liability coverage extends to this property and will not result in an adjustment to the policy.

**A. Link to Strategic Goals / Objectives:** from Strategic Goals 2026:

> Enhanced quality of life

**B. Effect on Budget (EOB):** All preparatory work will be performed by the Public Works Department. Pre-emptively, three work orders have been created to facilitate its use as a dog-walking area.

1. Scraping the dirt roadway that runs east-west through the property with heavy equipment.
2. Opening up the rope fence to allow pedestrians easy access to the roadway.
3. Cleanup of any debris onsite.

Signage reflecting the rules of the area's use, hours of availability, and other information will cost around \$300 to fabricate and install.

**C. Level of Service (LOS):** Addition of a walking and dog-walking area for residents.

**D. Legislative Sponsor:**

**III. CONCLUSION:** The approval of the attached motion will allow citizen's to utilize this property on a temporary basis as a walking pathway.

**IV. RECOMMENDED MOTION:** I move that the City Manager be directed to make all necessary preparations to improve the CrossTown Connector property to allow the walking of citizens and their dogs.

Attachments:

1. CrossTown Walking Pathway



# CrossTown Connector lot

Walking/Dog-Walking Pathway



Google Earth

500 ft





## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022**TYPE OF AGENDA ITEM:** Resolution**AGENDA OUTLINE NUMBER:** 4.E.**TO:** City Council**THRU:** Jeffrey Cozadd, Grants Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager**FROM:** Webb Warren, Deputy City Manager**DATE:** 10/12/22**SUBJECT:** Resolution 22-17: Repealing Resolution 21-07 - Eminent Domain

**I. BACKGROUND:** With the onset of the Tarpon Beach property acquisition, the City refocused efforts on the need to finalize the outstanding action on the property at the Shores at Crystal Beach. Approval of the Amended Interlocal was necessary prior to filing of the eminent domain lawsuit because the Interlocal established the lawsuit's funding source.

With the receipt of the latest appraisal estimates it quickly became clear that the property value had again grown beyond our budget estimates and that it may behoove us to stand back from what may be a real estate anomaly and to also consider other opportunities.

What initially started with a contract purchase price of \$3.6 Million, had grown to more than \$7.2 Million with further valuation uncertainty above that still. This action does not forever close the door on acquisition of this property, but would do so for the immediate future. The attached Resolution 22-07 will formally end the eminent domain process by repealing Resolution 21-07. While Resolution 22-07 will end the eminent domain process at this time, it is not intended to prejudice the City from reengage in the process at a time when acquisition, either voluntary or involuntary, becomes feasible. The County Commission is also considering a Resolution withdrawing its resolution of support at this time.

In a corresponding move, the City and County also propose amending the latest Interlocal regarding beach acquisitions. The amendment to the interlocal agreement is straightforward. It removes references to the middle parcel, updates cost figures, and lowers the amount advanced to the City from \$10 million to \$7.5 Million with corresponding and proportionate, lower repayments amount each year. A draft is attached. This will be brought in ordinance form at the next meeting.

Additionally, the County is bringing a design contract amendment through public works on

their agenda for the remaining acquired property.

**II. DISCUSSION:** After several efforts to acquire the property through discussions and the significant increases in property real estate values over the past two years, the staff from both the City and County recommend not pursuing, at this time, the acquisition of the middle property near the Shores of Crystal Beach Park. Resolution 22-17 is the first step in that process. The 1st amendment to the Amended and Restated Interlocal Agreement reflects this joint recommendation from City and County staffs.

**A. Link to Strategic Goals / Objectives:** Financially sound city providing service excellence

**B. Effect on Budget (EOB):** Reduces previously funding needs so effect on budget will be positive.

**C. Level of Service (LOS):** Unchanged from current LOS.

**D. Legislative Sponsor:**

**III. CONCLUSION:** Staff recommends that the City not pursue the purchase of the property in question at this time.

**IV. RECOMMENDED MOTION:** I move to adopt Resolution 22-17.

Attachments:

1. Resolution 22-17 -- Repealing Resolution 21-07 - eminent domain - final
2. Resolution 21-07 Acquire Property for Public Use
3. Exhibit A -- Survey 2968 Scenic Highway 98 East Destin FL 32541 (2)
4. Exhibit A continued -- legal description
5. 1st Amendment to Destin-County Amended and Restated Interlocal for Beach Acquisition DRAFT

## **RESOLUTION 22-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA REPEALING RESOLUTION 21-07; DETERMINING THAT CHANGING MARKET CONDITIONS HAS RENDERED THE ACQUISITION OF CERTAIN PROPERTY FOR PUBLIC USE AND PUBLIC RECREATIONAL FACILITIES AND RECREATIONAL USES NOT FEASIBLE AT THIS TIME; REPEALING RESOLUTION 21-07 WITHOUT PREJUDICE TO DETERMINE IN THE FUTURE THAT IT IS NECESSARY TO CQUIRE TO ACQUIRE CERTAIN PROPERTY FOR PUBLIC USE AND PUBLIC RECREATIONAL FACILITIES AND RECREATIONAL USES; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

**WHEREAS,** The City of Destin, Florida (the “City”) is a Florida municipal corporation and political subdivision of the State of Florida and is authorized to construct and maintain public recreational uses and facilities, and is vested by law pursuant to Chapters 73, 74, 166, Florida Statutes, to acquire fee simple interest in privately owned lands which are necessary for public use; and

**WHEREAS,** the City’s home rule powers and other applicable law including, but not necessarily limited to Chapter 166, Florida Statutes, grant authority to the City to provide for recreational uses within the City’s municipal limits; and

**WHEREAS,** on July 6, 2021, the City Council adopted Resolution 21-07, determining that the property more particularly described in Exhibit “A” (the “Subject Property”) was necessary to complete the Crystal Beach Recreational Facilities Project (the “Project”); and

**WHEREAS,** the City, together with Okaloosa County, Florida (the “County”), have negotiated with the Subject Property’s property owner (the “Property Owner”) in good faith, but have been unable to come to mutually agreeable terms whereby the City acquires the Subject Property voluntarily; and

**WHEREAS,** rising inflation coupled with the market value of properties in the local area have continued appreciating and have now appreciated to a point where acquisition of the Subject Property through eminent domain proceedings is prohibitively expensive; and

**WHEREAS,** an alternative, temporary design of the Project is more financially feasible for the City and County at this time; and

**WHEREAS,** market conditions together with the City and County’s financial conditions may lead to the acquisition of the Subject Property being more feasible in the future; and

**WHEREAS**, when it is more financially feasible to continue with the Project, the City or County may choose to institute eminent domain proceedings once again; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:**

**Section 1.** That each of the above Recitals set forth above are adopted as the findings of the Council and are hereby incorporated into this Resolution as if set forth in their entirety.

**Section 2.** Resolution 21-07 is hereby repealed without prejudice to reinstitute eminent domain proceedings relating to the Subject Property in the future.

**Section 3.** This Resolution shall become effective immediately upon adoption.

**DULY ADOPTED** this \_\_\_\_\_ day of October, 2022.

**CITY COUNCIL OF THE CITY OF  
DESTIN, FLORIDA**

By: \_\_\_\_\_  
Gary Jarvis, Mayor

**ATTEST:**

**APPROVED AS TO FORM FOR THE  
CITY OF DESTIN, ONLY:**

By: \_\_\_\_\_  
Rey Bailey, Clerk

\_\_\_\_\_  
Kyle S. Bauman, City Attorney



## **RESOLUTION 21-07**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA DETERMINING AND FINDING THE NECESSITY TO ACQUIRE CERTAIN PROPERTY FOR THE PUBLIC USE AND PUBLIC RECREATIONAL FACILITIES AND RECREATIONAL USES IN THE CITY OF DESTIN, FLORIDA; AUTHORIZING THE USE OF EMINENT DOMAIN PROCEEDINGS AS PERMITTED UNDER FLORIDA LAW TO ACQUIRE SUCH PROPERTY; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO INSTITUTE EMINENT DOMAIN PROCEEDINGS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

**WHEREAS**, The City of Destin, Florida (the "City") is a Florida municipal corporation and political subdivision of the State of Florida and is authorized to construct and maintain public recreational uses and facilities, and is vested by law pursuant to Chapters 73, 74, 166, Florida Statutes, to acquire fee simple interest in privately owned lands which are necessary for public use; and

**WHEREAS**, the City's home rule powers and other applicable law including, but not necessarily limited to Chapter 166, Florida Statutes, grant authority to the City to provide for recreational uses within the City's municipal limits; and

**WHEREAS**, the City's City Council (the "Council") desires to provide ample public recreational uses and facilities for the benefit of its citizens; and

**WHEREAS**, the City in conjunction with Okaloosa County (the "County") has established a project known as the Crystal Beach Recreational Facilities (the "Project") for purposes of creating more public recreational facilities within the Crystal Beach Area; and

**WHEREAS**, as part of the Project, the City, with assistance of the Trust for Public Land, Inc., has acquired two parcels of property which has been partially funded by the County and partially funded by the City (Folio Ids: 00-25-22-0584-0000-0010 and 00-2S-22-0584-0000-0030) within the Crystal Beach Area for construction and establishment of recreational facilities and uses; and

**WHEREAS**, the parcels acquired by the City are not adjacent to each other, as there is a parcel in between the two parcels, and there is an immediate need to acquire the parcel in between the two previously purchased parcels to be able to construct and establish recreational facilities and uses; and

**WHEREAS**, it is necessary, beneficial, and desirable to have adequate recreational uses in the County and City available for the use and enjoyment by the residents and visitors of the City and County; and

**WHEREAS**, additional land is necessary for the completion of the Project and is within the City's municipal limits; and

**WHEREAS**, the property the City intends to acquire, by virtue of this Resolution, will be used for recreational uses as part of the Project; and

**WHEREAS**, the County and City have caused the area of construction of the Project to be identified, and has caused signed and sealed legal description and sketch for the property hereinabove described to be prepared, based upon and incorporating existing location data; and

**WHEREAS**, the legal description and survey of the property necessary to be acquired for the construction of the Project are attached hereto as Exhibit "A" and incorporated herein and such sufficiently describe and identify the property and interests reasonably necessary to be acquired from property owners for the public purpose of constructing the Project (this property shall heretofore be referred to as the "Property"); and

**WHEREAS**, the Council desires to utilize the provisions of Florida law, to the fullest extent possible, to accomplish the public purpose of acquiring the necessary parcel of real property at a price that is fair and reasonable; and

**WHEREAS**, the City and its Council has determined that it is necessary to acquire or utilize the Property within the Project area for to further the Project's purposes; and

**WHEREAS**, the County's Board of County Commissioners has adopted Resolution 21-103, supporting City's pursuit of this Property through voluntary acquisition or the powers of eminent domain; and

**WHEREAS**, the City and its Council has sought to acquire the Property by purchase from the owner without the necessity of instituting eminent domain proceedings; and

**WHEREAS**, the owner of said property has been or may be unwilling or unable to sell the Property required by the City for the Project; and

**WHEREAS**, The Council has determined that the actions taken herein are consistent with the goals, policies, and objectives of the City; and

**WHEREAS**, all of the conditions precedent to instituting eminent domain have been satisfied or will be prior to the filing of the requisite petitions.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, AS FOLLOWS:**



**Section 1.** That each of the above Recitals set forth above are adopted as the findings of the Council and are hereby incorporated into this Resolution as if set forth in their entirety.

**Section 2.** The City, through the City Attorney and City Land Use Attorney's office, shall be authorized to institute eminent domain proceedings to acquire the necessary interest in the Property as it is more particularly described in Exhibit "A."

**Section 3.** The Council having considered the safety of the public, the cost of acquiring the parcel, the location, long term planning and environmental factors in acquiring and utilizing the Property specifically finds that the acquisition of the Property is reasonably necessary for parks, playgrounds, recreational centers, or other types of recreational purposes. Further the Council finds that it is in the best interest of the citizens of the City and the public generally, for the City to acquire the Property for the creation of recreational uses within that area of the City.

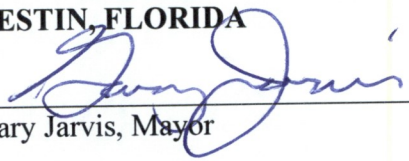
**Section 4.** The City Attorney and City Land Use Attorney's office are hereby authorized to institute a suit or suits in the name of the City and fully exercise the City's power of eminent domain for the purpose of acquiring the Property to the extent of the estate or interest set forth as a part of the parcel's description and is further authorized to do all things necessary to prosecute such suit or suits to final judgment by settlement or adjudication. However, no court actions to acquire the Property will be instituted until the expiration of any notice period to landowners required pursuant to applicable Florida Statutes. The City Attorney is authorized and directed to utilize and assert any and all constitutional and statutory authority of the City and the Council relative to the acquisition of the subject parcels including, but not necessarily limited to, the provisions of Chapters 73, 74, and 166, Florida Statutes.

**Section 5.** This Resolution shall become effective immediately upon adoption.

**DULY ADOPTED** this 6th day of July, 2021.

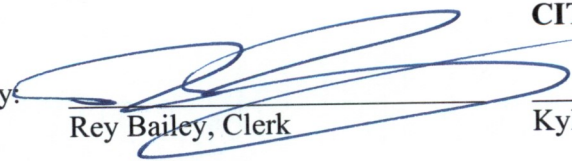
**CITY COUNCIL OF THE CITY OF  
DESTIN, FLORIDA**

By:

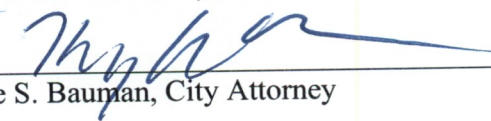
  
Gary Jarvis, Mayor

**ATTEST:**

By:

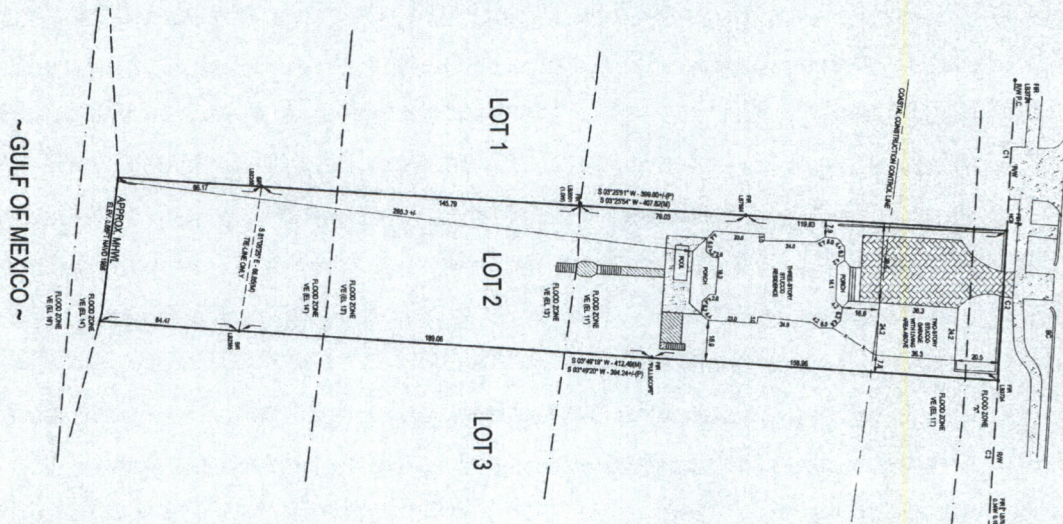
  
Rey Bailey, Clerk

**APPROVED AS TO FORM FOR THE  
CITY OF DESTIN, ONLY:**

  
Kyle S. Bauman, City Attorney



2988 SCENIC HIGHWAY 98 EAST  
(100' RIGHT-OF-WAY)



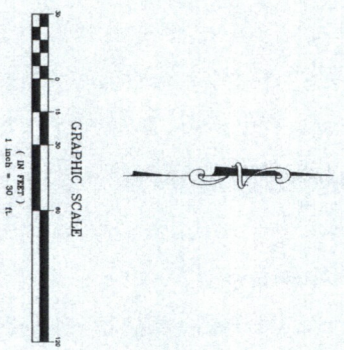
This is to certify that I have consulted National Flood Insurance Rate Maps, effective December 6, 2005, for Okaloosa County, Florida, Map No. 15991 (C05) FL, and based thereon, the subject property is located in Flood Zone "VE" (Zone 11.1), a special flood hazard area AND in Flood Zone "VE" (Zone 13.1), a special flood hazard area AND Zone "VE" (Zone 16.1), a special flood hazard area (COBRA ZONE - Federal Flood Insurance not available). ZONES AS INDICATED IN SURVEY.

**LEGAL DESCRIPTION:**  
LOT 2, THE SHORES OF CRYSTAL BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 13 PAGE(S) 82, OF THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

**TITLE COMMITMENT BY FIRST AMERICAN TITLE INSURANCE COMPANY**  
FILE NO. 09-449712 DATED 09-11-2009  
ITEM 1-1: \*NOT SURVEY RELATED  
ITEM 1-2: \*OK BOOK 144, PG 74, ACCESS EASEMENT DOES NOT EFFECT SURVEY  
ITEM 1-3: \*OK BOOK 144, PG 74, EASEMENT OF RIGHTS DEVELOPER DOES NOT EFFECT SURVEY  
ITEM 1-4: \*OK BOOK 244, PG 265, TEMPORARY CONSTRUCTION AND MAINTENANCE EASEMENT DOES NOT EFFECT SURVEY  
ITEM 1-5: \*NOT SURVEY RELATED  
SITE CONTAINS 0.00 ACRES +/-

**CERTIFIED TO:**  
MARSHALL J. J. JACKSON, P.A.  
OLD REPUBLIC NATIONAL TITLE INSURANCE  
THE ATTORNEY TITLE FUND  
OKALOOSA COUNTY, FLORIDA

| COORDINATES | N      | E      | S      | W      | AREA     |
|-------------|--------|--------|--------|--------|----------|
| 1           | 100.00 | 100.00 | 100.00 | 100.00 | 40000.00 |
| 2           | 100.00 | 100.00 | 100.00 | 100.00 | 40000.00 |
| 3           | 100.00 | 100.00 | 100.00 | 100.00 | 40000.00 |



**LEGEND**

1. LOT 1: 100' x 100' (10000 S.F.)  
2. LOT 2: 100' x 100' (10000 S.F.)  
3. LOT 3: 100' x 100' (10000 S.F.)

**DEED INFORMATION**

DEED NO. 09-449712  
DATE 09-11-2009  
COUNTY OKALOOSA  
STATE FLORIDA

**RECORDING INFORMATION**

RECORDED IN PLAT BOOK 13 PAGE(S) 82  
DATE 09-11-2009  
COUNTY OKALOOSA  
STATE FLORIDA

**PREPARED BY**

PANHANDLE ASSOCIATES, INC.  
101-A GOLF STREET, SUITE 100, OKALOOSA, FLORIDA 32567  
PHONE 904-861-1000  
FAX 904-861-1001  
WWW.PANHANDLEASSOCIATES.COM

**EXHIBIT "A" CONTINUED**

**LEGAL DESCRIPTION**

Lot 2, the Shores of Crystal Beach, According to the Plat thereof as Recorded in Plat Book 13,  
Page 82 of the Public Records of Okaloosa County, Florida

**PROPERTY STREET ADDRESS**

2968 Scenic Highway 98, Destin, FL 32541

**PARCEL STREET ADDRESS**

00-2S-22-0584-0000-0020



## (100' RIGHT-OF-WAY)



ZONES AS INDICATED IN SURVEY.

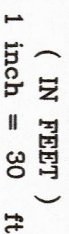
**LEGAL DESCRIPTION:**

THE PUBLIC RECORDS OF OKALOOSA COUNTY, FLORIDA.

ITEM 15 = NOT SURVEY RE

| CURVE | RADIUS  | DELTA   | ARC   | CHORD                  |
|-------|---------|---------|-------|------------------------|
| C1    | 1378.02 | 0.1721° | 68.24 | 586.50, 43.7° - 68.23° |
| C2    | 1378.02 | 0.1716° | 68.83 | 586.33, 44.7° - 68.91° |
| C3    | 1378.02 | 0.1717° | 68.99 | 586.16, 09.7° - 68.99° |

OKALOOSA COUNTY, FLORIDA



## LEGEND

[illegible]

|                                                                                                                                                                                             |        |             |       |            |      |                                                                                                                                                                                  |      |      |    |      |    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------|-------|------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------|----|------|----|
| (LOT 2, THE SHORES OF CRYSTAL BEACH)                                                                                                                                                        |        |             |       |            |      | OKALOOSA COUNTY, FLORIDA                                                                                                                                                         |      |      |    |      |    |
| SECTION                                                                                                                                                                                     | -      | TOWNSHIP    | 2-S   | RANGE      | 22-W | RECORDED                                                                                                                                                                         | PLAT | BOOK | 13 | PAGE | 82 |
| OBVIOUS ENCROACHMENTS                                                                                                                                                                       |        |             |       |            |      | NONE                                                                                                                                                                             |      |      |    |      |    |
| UNDERGROUND ENCROACHMENTS (NOT LOCATED)                                                                                                                                                     |        |             |       |            |      |                                                                                                                                                                                  |      |      |    |      |    |
| SCALE                                                                                                                                                                                       | 1"=30' | SURVEY DATE |       | 09/30/2020 |      |                                                                                                                                                                                  |      |      |    |      |    |
| ORDERED BY:                                                                                                                                                                                 |        |             |       |            |      | SURVEYORS CERTIFICATE                                                                                                                                                            |      |      |    |      |    |
| THE TRUST FOR PUBLIC LAND                                                                                                                                                                   |        |             |       |            |      | I HEREBY CERTIFY THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEETS THE STANDARDS OF PRACTICE OF THE FLORIDA BOARD OF SURVEYORS AND MAPPERS. |      |      |    |      |    |
|                                                                                                                                                                                             |        |             |       |            |      | (S-1)- 1050 - 002 P.A.C.                                                                                                                                                         |      |      |    |      |    |
| F.B.                                                                                                                                                                                        | 20-9   | P.G.        | 52-53 | W.O.       |      | 2020-1273                                                                                                                                                                        |      |      |    |      |    |
| TYPE OF SURVEY                                                                                                                                                                              |        |             |       |            |      | BOUNDARY                                                                                                                                                                         |      |      |    |      |    |
| PURPOSE                                                                                                                                                                                     |        |             |       |            |      | MORTGAGE                                                                                                                                                                         |      |      |    |      |    |
|                                                                                                                                                                                             |        |             |       |            |      | EDWARD E. RICE LS3420                                                                                                                                                            |      |      |    |      |    |
|                                                                                                                                                                                             |        |             |       |            |      | RECEIVED DATE _____ W.O. _____                                                                                                                                                   |      |      |    |      |    |
|                                                                                                                                                                                             |        |             |       |            |      | ORDERED BY _____                                                                                                                                                                 |      |      |    |      |    |
| UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS DRAWING, SKETCH, PLAT OR MAP IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT VALID. |        |             |       |            |      |                                                                                                                                                                                  |      |      |    |      |    |
| CAD, RESTORED - C<br>CRYSTAL PORT 1<br>2020-1273                                                                                                                                            |        |             |       |            |      |                                                                                                                                                                                  |      |      |    |      |    |

PANHANDLE ASSOCIATES INC.



**EXHIBIT "A" CONTINUED**

**LEGAL DESCRIPTION**

Lot 2, the Shores of Crystal Beach, According to the Plat thereof as Recorded in Plat Book 13,  
Page 82 of the Public Records of Okaloosa County, Florida

**PROPERTY STREET ADDRESS**

2968 Scenic Highway 98, Destin, FL 32541

**PARCEL STREET ADDRESS**

00-2S-22-0584-0000-0020



**THIS IS A 1ST FIRST AMENDMENT TO AN THE  
AMENDED AND RESTATED INTERLOCAL AGREEMENT  
BETWEEN OKALOOSA COUNTY AND THE CITY OF  
DESTIN FOR ACQUISITION, DEMOLITION, DESIGN,  
AND CONSTRUCTION AND OTHER MATTERS RELATED  
TO THE PUBLIC BEACH/GULF FRONT PUBLIC PARK  
PROPERTY**

**THIS 1ST-FIRST AMENDMENT** ("Amendment") is entered into by and between **OKALOOSA COUNTY, FLORIDA**, a political subdivision of the State of Florida (the "County") and the **CITY OF DESTIN**, a municipality organized under the laws of the State of Florida (the "City") (collectively, the County and City will hereinafter be referred to as the "Parties").

**WHEREAS**, on \_\_\_\_\_, 2022, the County and the City entered into an Amended and Restated Interlocal Agreement for the acquisition, demolition, design, construction and other matters related to the public beach/gulf front public park property (the "Agreement"); and

**WHEREAS**, for the past two years the Parties had sought to acquire a property in Crystal Beach located at 2970 Scenic Highway 98, Destin, FL 32541 (the "Property") ~~shown below as a deleted portion of Exhibit A~~; and

**WHEREAS**, ~~today~~ the Parties have ~~since~~ mutually agreed ~~theis acquisition of this Pproperty acquisition~~ is no longer viable or prudent to pursue at this time due to recent value escalations in the marketplace; and

**WHEREAS**, the Parties, as stewards of public tax dollars, including tourism tax dollars, have mutually agreed that other properties and/or projects are likely better investments of these ~~tourism resourcespublic funds~~; and

**WHEREAS**, both Parties ~~have previously passed-adopted~~ resolutions related to this ~~Pproperty, which will be repealed and both through approval of this document hereby official~~ repeal their applicable resolutions (City of Destin Resolution \_\_\_\_\_ Okaloosa County Resolution \_\_\_\_\_); and

**WHEREAS**, the City and County staff are hereby directed to ~~closeout-terminate any and all efforts to acquire~~ this ~~Pproperty acquisition-issue~~ and to ~~proceed immediately modify to modification of~~ any plans and permits to proceed ~~in order to proceed~~ to construction as quickly as possible.

**NOW, THEREFORE**, in consideration of the above recitals, mutual covenants, promises and agreements contained herein, and other good and valuable consideration, the receipt and

sufficiency of which are acknowledged, the County and the City agree as follows:

**1. RECITALS.** The above recitals are true and accurate and are incorporated herein as essential terms of the Agreement.

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**2. AMENDMENTS.** The Agreement shall be amended as follows:

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**a. The recitals shall be amended as follows:**

**WHEREAS**, the Phase I Properties are adjacent to or near an existing City beach park; and

~~**WHEREAS**, two of the three Phase I Properties have already been acquired by the City, with the last property in the middle, pledged to be acquired by the City through eminent domain proceedings for public use; and~~

~~**WHEREAS**, the City, in furtherance of the eminent domain proceedings against the last property of the Phase I Properties to be acquired, has passed a Resolution of Necessity and the County has passed a Resolution of support for those efforts; and~~

**WHEREAS**, the Trust has sold two of the three Phase I Properties and has offered to sell the Phase II Properties to the City; and

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~~**WHEREAS**, the full costs of the Acquisitions from purchase to usable park properties includes, but is not limited to, the costs for purchase (including condemnation of the final of the Phase I Properties), demolition, design, permitting, and construction and are estimated to cost \$32,500,000.0026,500,000.00, as budgeted in Exhibit "C"; and~~

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**b. Section 5. B. and (2) and (3) shall be amended as follows:**

**B. City Advance Funding.** To save money, as well as to facilitate the Acquisitions, and assist the City, the County agrees to advance fund the City with up to \$7.510 Million dollars from TDT Reserves for this purpose. Repayment to the County shall come from the City's TDT Allocation as described in the "Whereas" clauses above. Except as set forth in subsection 5.C below, the County shall not charge the City any interest for the initial ten (10) year period. The amount owed shall be repaid as follows:

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- 1) The entirety of the advanced funding shall be repaid by the City within ten (10) years of the date that the advanced funding is distributed to the City. Payment shall come in the form of a deduction from the City's TDT Allocation. First repayment in the form of a deduction from amounts allocated shall occur on or before September 30, 2023.

- 2) The City shall commit at least ~~\$750,000.001 Million~~ annually of the City's TDT Allocation to servicing the debt described in this Section.
- 3) If the City's TDT Allocation does not amount to a total of at least ~~\$750,000.001 Million~~ in a single fiscal year, then the County shall have the right to set off any deficiency against any unallocated money the City may have accrued in the City's TDT Allocation from an earlier fiscal year.

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**c. Section 5.E. shall be deleted in its entirety;**

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~~E. City Eminent Domain/Condemnation of Crystal Beach Parcel. The Parties warrant and agree to act in good faith and commit to make every reasonable effort to ensure that the final Phase I Property is acquired. Specifically, to that end, the City agrees to institute legal condemnation proceedings for the remaining lot of the Phase I Properties and to implement said proceedings as soon as reasonably practicable. The final Phase I Property shall be condemned through a "quick take" as provided in Florida Statutes. The County agrees to make its legal counsel reasonably available to assist the City and shall permit the City to hire the County's legal firm to pursue the referenced condemnation without a conflict, but with costs covered as part of the Acquisitions. Costs for this expense are budgeted in Exhibit "C".~~

**d. Page 3 of Exhibit A shall be deleted as shown below:**

**SHORE AT CRYSTAL BEACH EAST EXPANSION #2**

**Lot 3, THE SHORES OF CRYSTAL BEACH, a Planned Unit Development, a Resubdivision of a Portion of Block B, Crystal Beach Subdivision according to the Plat thereof as recorded in Plat Book 13, Page 82, of the Public Records of Okaloosa County, Florida**

~~Property Street Address: 2970 Scenic Highway 98 E, Destin, FL 32541~~

~~Parcel Tax ID No.: 00-2S-22-0584-0000-0030~~

e. Exhibit C shall be amended as follows:

**EXHIBIT "C"**  
**Estimated Budgetary Costs for Acquisitions-- Properties**  
**"Phase I Project" and "Phase II Project"**

| Beach Access Phase I Project Crystal Beach                   |                               |
|--------------------------------------------------------------|-------------------------------|
| Project Activity                                             | Total (100%)                  |
| Acquisition to date                                          | \$6,727,790                   |
| Demolition                                                   | \$100,218                     |
| Design and Permitting                                        | \$272,500                     |
| <del>Estimated Acquisition (Center House) Condemnation</del> | <del>\$6,300,000</del>        |
| Condemnation Legal and Acquisition Costs                     | \$200,000                     |
| Demolition                                                   | \$75,000                      |
| Park Development                                             | <del>\$2,050</del> 1,750,000  |
| Contingency                                                  | <del>\$324,492</del>          |
| <b>Total Project Cost from Acquisition to Operation</b>      | <b><del>159,750,000</del></b> |
| <b>SPLIT: COUNTY - 59% CITY - 41%</b>                        |                               |

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| Beach Access Phase II Project Tarpon                    |                     |
|---------------------------------------------------------|---------------------|
| Project Activity                                        | Total (100%)        |
| Acquisition                                             | \$14,050,000        |
| Demolition                                              | \$200,000           |
| Design and Permitting                                   | \$300,000           |
| Park Development                                        | \$1,850,000         |
| Contingency                                             | <u>\$350,000</u>    |
| <b>Total Project Cost from Acquisition to Operation</b> | <b>\$16,750,000</b> |
| <b>SPLIT 50% EACH CITY AND COUNTY</b>                   |                     |

**Total Costs for both Projects ~~\$32,500,000~~ \$26,500,000**

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IN WITNESS WHEREOF, the parties hereto, by and through the undersigned, have entered into this First Amendment, effective when both parties on the date and year last written below.

////////// Signature Pages Follow //////////

**OKALOOSA COUNTY, FLORIDA**

By: \_\_\_\_\_  
\_\_\_\_ Mel Ponder, Chairman

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
J.D. Peacock II, Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Lynn M. Hoshihara, County Attorney

**CITY OF DESTIN, FLORIDA**

By: \_\_\_\_\_  
Gary Jarvis, Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Rey Bailey, Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Kyle S. Bauman, City Attorney

\_\_\_\_\_  
Kimberly Romano Kopp, City Land Use Attorney



CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022  
**TYPE OF AGENDA ITEM:** City Manager Report  
**AGENDA OUTLINE NUMBER:** 4.F.

---

**TO:** City Council

**THRU:**

**FROM:**

**DATE:**

**SUBJECT:** Announcements

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**I. BACKGROUND:**

**II. DISCUSSION:**

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

**III. CONCLUSION:**

**IV. RECOMMENDED MOTION:**

Attachments:

None

CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022

**TYPE OF AGENDA ITEM:** Public Hearing

**AGENDA OUTLINE NUMBER:** 5.A.

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**TO:** City Council

**THRU:** Webb Warren, Deputy City Manager  
Kyle Bauman, City Attorney  
Lance Johnson, City Manager

**FROM:** Krystal Strickland, Finance Director

**DATE:** 10/04/2022

**SUBJECT:** First reading of Ordinance 22-15-CN - Amending appropriations for certain expenditures, expenses, capital improvements, and certain indebtedness for the City of Destin, Florida for the fiscal year beginning October 1, 2021 and ending September 30, 2022.

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**I. BACKGROUND:** Section 3.14 of the Charter of the City of Destin provides that at any time during the fiscal year the city manager may transfer all or part of any unencumbered appropriation balance among programs amongst departments. Council may also make such transfers via motion. The summation of all such transfers by the city council will be included in an ordinance prior to closing of the fiscal year.

Florida Statute Chapter 166.241 (5) provides that within a fiscal year or within 60 days following the end of the fiscal year a municipality may amend a budget for the year.

Our Budget Adoption ordinance also allows for prior year open encumbrances to automatically roll forward to become part of the newly adopted budget. In addition, our budget adoption ordinance and city charter allow for budget amendments to occur throughout the year.

**II. DISCUSSION:** During Fiscal Year 2022, the largest increase to the adopted budget was from prior year encumbrances rolling forward. These are contracts that were signed in prior years that were not complete as of October 1, 2021, such as the contracts with engineering firms to complete design of the Cross-Town Connector, to complete updating the Stormwater Master Plan, and to compile an engineering opinion of probable cost for Undergrounding of overhead utilities. These encumbrances amounted to \$2,912,191 in

total across all funds.

The second largest increase to the Fiscal Year 2022 budget came from grants as they were awarded. Budget amendments were included as attachments each time a grant was awarded that increased revenue and likewise, increased expenditures.

Most other changes to the FY 2022 budget were the result of transfers between accounts. A transfer is when we reduce budget for one item in order to increase the budget for another item. As a rule, transfers must not increase or decrease the total budget.

One notable transfer made this year was Council's decision to move the \$75,000 budgeted for the project "EVENT" (related to defining the City Center) out of the Capital Projects Fund into Council Contingency in the General Fund.

Approximately \$60,000 of transfers were made early in the fiscal year (October - December) to address stormwater line breaks underneath Mountain Drive and Legion Drive. The funding for roadway renewal and replacement was decreased to increase stormwater renewal and replacement.

The last main source of budget transfers was for accounting reasons. There were some budget transfers completed by the Finance Director with support of the City Manager to better align with the Florida Uniform Accounting system. The main one being to change the coding of workers compensation insurance from "general operations risk management" into the account range for personnel costs as per the Florida accounting manual.

- 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:**

**III. CONCLUSION:** Staff recommend that Ordinance 22-15-CN be approved on the first reading.

**IV. RECOMMENDED MOTION:** I move to approve Ordinance 22-15-CN on first reading.

Attachments:

1. Ordinance 22-15-CN - Amending FY 2022 Budget
2. Exhibit "A" - FYE 2022 Ordinance Details
3. Public Hearing Notice 1st Reading - Ordinance 22-15-CN

## **ORDINANCE 22-15-CN**

### **AN ORDINANCE OF THE CITY OF DESTIN AMENDING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS FOR THE CITY OF DESTIN, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 3.14 of the Charter of the City of Destin provides that at any time during the fiscal year the city manager may transfer all or part of any unencumbered appropriation balance among programs within a department, office or agency and , the council may by a duly passed motion transfer part or all of any unencumbered appropriation balance from one department, office or agency to another, and the summation of all such transfers by the city council will be included in an ordinance prior to closing of the fiscal year; and

**WHEREAS**, Florida Statute Chapter 166.241 (5) provides that within a fiscal year or within 60 days following the end of the fiscal year a municipality may amend a budget for the year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA:

#### **SECTION 1. AMENDMENTS TO THE CITY OF DESTIN, FLORIDA BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND ENDING SEPTEMBER 30, 2022.**

(a) The attached Exhibit “A,” inter-departmental transfers and additional revenues and expenditures of the General Fund, Special Revenue Funds, and Capital Project Funds are hereby added to the budget of the City of Destin adopted September 20, 2021.

(b) An appropriation of general fund balance of \$376,587 is being brought forward from prior years.

(c) An appropriation of special revenue fund balance of \$171,098 is being brought forward from prior years.

(d) An appropriation of capital project fund balance of \$2,364,506 is being brought forward from prior years.

(e) All budgets (appropriations) are based upon the totals even though the budget has been prepared based on line items.

**SECTION 2. EFFECTIVE DATE.** This ordinance shall take effect immediately upon approval by Council and the signature of the Mayor.

**ADOPTED THIS \_\_ DAY OF NOVEMBER, 2022**

By: \_\_\_\_\_  
Gary Jarvis, Mayor

ATTEST:

\_\_\_\_\_  
Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing  
Has been reviewed and approved by the City  
Attorney for the City of Destin, only:

\_\_\_\_\_  
Kyle S. Bauman, Esq., City Attorney

**BUDGET AMENDMENT**  
**10/17/2022**  
**General Fund: Revenue**

| ORG   | OBJ    | PROJECT | ACCOUNT DESCRIPTION            | ORIGINAL<br>APPROP | TRANFRS/<br>ADJSMTS | REVISED<br>BUDGET | Comment                                                                       |
|-------|--------|---------|--------------------------------|--------------------|---------------------|-------------------|-------------------------------------------------------------------------------|
| 01300 | 312420 |         | LOCAL OPTION GAS TAX#2         | 231,400            | (231,400)           | -                 | move to record directly in 315<br>Restricted Capital Projects fund            |
| 01300 | 312630 |         | OKAL 1/2 PENNY SALES TAX       | 1,390,761          | (1,390,761)         | -                 | move to record directly in 129<br>Okaloosa Half Penny Special<br>Revenue fund |
| 01300 | 331302 | CRH63   | RESTORE PARK CIP GRANT         | 556,530            | (556,530)           | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| 01300 | 331303 | RC216   | CLEMENT TAYLOR PARK RESTORE    | 729,918            | (729,918)           | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| 01300 | 331390 | ARP     | ARP - AMERICAN RECOVERY PLAN   | 790,000            | (790,000)           | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| 01300 | 331700 | LB001   | FED GRANT / IMLS CARES LIBRARY | 57,904             | (57,904)            | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| 01300 | 334491 | EN615   | STATE GRANT - TRANSPORTATI     | 2,700,000          | (2,700,000)         | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| 01300 | 337714 | CM001   | TDC BOCC                       | 3,885,150          | (3,885,150)         | -                 | move to record directly in 305<br>Grants Capital Projects Fund                |
| ..... | .....  | .....   | .....                          | .....              | .....               | .....             |                                                                               |
|       |        |         | <b>*Total 01300 REVENUE</b>    | <b>26,530,148</b>  | <b>(10,341,663)</b> | <b>16,188,485</b> |                                                                               |

\*Totals represent the entire FY'22 Budget, all line item budgets are not reflected in the chart above



**BUDGET AMENDMENT**  
**10/17/2022**  
**General Fund: Expenditures**

| ORG     | OBJ    | PROJECT | ACCOUNT DESCRIPTION          | ORIGINAL APPROP | TRANFRS/ ADJSMTS | REVISED BUDGET | Comment                                                                  |
|---------|--------|---------|------------------------------|-----------------|------------------|----------------|--------------------------------------------------------------------------|
| 0151110 | 531000 |         | PROFESSIONAL SERVICES        | 40,000          | (12,625)         | 27,375         | txfr to legal for Bert Harris case                                       |
| 0151110 | 599000 |         | CONTINGENCIES                | 35,000          | 75,000           | 110,000        | event center moved from 305 capital projects fund to council contingency |
| 0151212 | 524000 |         | WORKER'S COMPENSATION        | -               | 7,258            | 7,258          | separate workers comp from other insurance for personnel cost reporting  |
| 0151212 | 531000 |         | PROFESSIONAL SERVICES        | 30,000          | 7,375            | 37,375         | PY encumbrance carry forward                                             |
| 0151212 | 534000 | COV19   | CONTRACT SERVICES            | -               | 1,995            | 1,995          | PY encumbrance carry forward                                             |
| 0151215 | 524000 |         | WORKER'S COMPENSATION        | -               | 2,833            | 2,833          | separate workers comp from other insurance for personnel cost reporting  |
| 0151215 | 542000 |         | FREIGHT & POSTAGE SERVICES   | 8,500           | (1,400)          | 7,100          | reclass postage machine rent from postage to rent to aid GASB 57         |
| 0151215 | 544000 |         | RENTS AND LEASES             | -               | 1,400            | 1,400          | reclass postage machine rent from postage to rent to aid GASB 57         |
| 0151320 | 524000 |         | WORKER'S COMPENSATION        | -               | 2,949            | 2,949          | separate workers comp from other insurance for personnel cost reporting  |
| 0151320 | 531000 |         | PROFESSIONAL SERVICES        | 15,235          | 1,650            | 16,885         | PY encumbrance carryforward                                              |
| 0151320 | 532000 |         | AUDIT SERVICES               | 30,000          | 25,500           | 55,500         | PY encumbrance carryforward                                              |
| 0151321 | 524000 |         | WORKER'S COMPENSATION        | -               | 1,550            | 1,550          | separate workers comp from other insurance for personnel cost reporting  |
| 0151321 | 531000 |         | PROFESSIONAL SERVICES        | 25,000          | 22,500           | 47,500         | PY encumbrance carryforward                                              |
| 0151321 | 545000 |         | RISK MANAGEMENT INSURANCE    | 51,490          | (19,999)         | 31,491         | separate workers comp from other insurance for personnel cost reporting  |
| 0151324 | 524000 |         | WORKER'S COMPENSATION        | -               | 1,876            | 1,876          | separate workers comp from other insurance for personnel cost reporting  |
| 0151324 | 531000 |         | PROFESSIONAL SERVICES        | -               | 4,796            | 4,796          | txfr for facilities assessment                                           |
| 0151324 | 534000 |         | CONTRACT SERVICES            | 92,000          | (90,296)         | 1,704          | txfr to repairs and maintenance for maintenance contracts                |
| 0151324 | 546000 |         | REPAIRS AND MAINTENANCE      | 22,700          | 38,125           | 60,825         | txfr in from contracts for maintenance contracts                         |
| 0151324 | 552000 |         | OPERATING SUPPLIES           | 17,500          | 41,000           | 58,500         | txfr in from contracts for operating supplies (fuel, chemicals, etc)     |
| 0151430 | 531005 |         | MISCELLANEOUS REPRESENTATION | 70,000          | 20,000           | 90,000         | txfr in for Bert Harris case litigation                                  |
| 0151531 | 524000 |         | WORKER'S COMPENSATION        | -               | 6,558            | 6,558          | separate workers comp from other insurance for personnel cost reporting  |
| 0151531 | 531000 |         | PROFESSIONAL SERVICES        | 200,000         | 293,751          | 493,751        | PY encumbrances carried forward                                          |
| 0151932 | 524000 |         | WORKER'S COMPENSATION        | -               | 4,109            | 4,109          | separate workers comp from other insurance for personnel cost reporting  |
| 0152140 | 524000 |         | WORKER'S COMPENSATION        | -               | 211              | 211            | separate workers comp from other insurance for personnel cost reporting  |
| 0152140 | 531000 |         | PROFESSIONAL SVCS            | -               | 1,872            | 1,872          | txfr in for public safety facilities assessment                          |

**BUDGET AMENDMENT**  
**10/17/2022**  
**General Fund: Expenditures**

|         |        |  |                               |         |          |         |                                                                                             |
|---------|--------|--|-------------------------------|---------|----------|---------|---------------------------------------------------------------------------------------------|
| 0152140 | 534521 |  | LIFEGUARD CONTRACTED SERVICES | 103,000 | (1,872)  | 101,128 | txfr out for public safety facilities assessment                                            |
| 0152442 | 524000 |  | WORKER'S COMPENSATION         | -       | 5,702    | 5,702   | separate workers comp from other insurance for personnel cost reporting                     |
| 0152442 | 531000 |  | PROFESSIONAL SERVICES         | -       | 1,167    | 1,167   | txfr in for facilities assessment                                                           |
| 0152442 | 534000 |  | CONTRACT SERVICES             | 3,000   | 4,583    | 7,583   | txfr in for contract svcs                                                                   |
| 0152442 | 545000 |  | RISK MANAGEMENT INSURANCE     | 22,419  | (7,611)  | 14,808  | separate workers comp from other insurance for personnel cost reporting                     |
| 0153800 | 512000 |  | REGULAR SALARIES              | 109,040 | (19,078) | 89,962  | txfr to other stormwater mgmt accounts; staff overbudgeted and operating exps underbudgeted |
| 0153800 | 523000 |  | LIFE/HEALTH INSURANCE         | 13,180  | 480      | 13,660  | underbudgeted life/health insurance                                                         |
| 0153800 | 524000 |  | WORKER'S COMPENSATION         | -       | 1,623    | 1,623   | separate workers comp from other insurance for personnel cost reporting                     |
| 0153800 | 531000 |  | PROFESSIONAL SERVICES         | 2,500   | 5,228    | 7,728   | PY encumbrance carryforward                                                                 |
| 0153800 | 540000 |  | TRAVEL/PER DIEM               | -       | 1,756    | 1,756   | underbudgeted for stormwater mgr travel                                                     |
| 0153800 | 544000 |  | RENTS AND LEASES              | 2,500   | (428)    | 2,072   | txfr out for phys envir facilities assessment                                               |
| 0153800 | 545000 |  | RISK MANAGEMENT INSURANCE     | 4,547   | (1,371)  | 3,176   | separate workers comp from other insurance for personnel cost reporting                     |
| 0153800 | 546000 |  | REPAIRS AND MAINTENANCE       | 3,000   | 9,732    | 12,732  | underbudgeted for water testing (maintenance)                                               |
| 0153800 | 547000 |  | PRINTING AND BINDING          | -       | 122      | 122     |                                                                                             |
| 0153800 | 552025 |  | OPS SOFTWARE & WORKSTATIONS   | 4,069   | 3,589    | 7,658   | underbudgeted for autocad license for stormwater mgr                                        |
| 0153800 | 554000 |  | BKS, SUBS, MEMBERSHIPS        | -       | 245      | 245     |                                                                                             |
| 0153800 | 555000 |  | TRAINING                      | -       | 754      | 754     |                                                                                             |
| 0154160 | 524000 |  | WORKER'S COMPENSATION         | -       | 8,748    | 8,748   | separate workers comp from other insurance for personnel cost reporting                     |
| 0154160 | 531000 |  | PROFESSIONAL SERVICES         | -       | 1,910    | 1,910   | txfr in for PW facilities assessment                                                        |
| 0154160 | 545000 |  | RISK MANAGEMENT INSURANCE     | 40,861  | (8,777)  | 32,084  | separate workers comp from other insurance for personnel cost reporting                     |
| 0154160 | 546000 |  | REPAIRS AND MAINTENANCE       | 50,000  | (7,675)  | 42,325  | txfr to median maint                                                                        |
| 0154160 | 553000 |  | ROAD MATERIALS/SUPPLIES       | 50,000  | (1,910)  | 48,090  | txfr to PW facilities assessment                                                            |
| 0154161 | 512000 |  | REGULAR SALARIES              | 169,287 | (2,500)  | 166,787 | txfr to ops software for autocad for engineer                                               |
| 0154161 | 524000 |  | WORKER'S COMPENSATION         | -       | 2,520    | 2,520   | separate workers comp from other insurance for personnel cost reporting                     |
| 0154161 | 552025 |  | OPS SOFTWARE & WORKSTATIONS   | -       | 2,500    | 2,500   |                                                                                             |
| 0154183 | 546000 |  | REPAIRS AND MAINTENANCE       | 115,000 | 4,800    | 119,800 | txfr in from PW maint for median maint (contract increase)                                  |
| 0156272 | 531000 |  | PROFESSIONAL SERVICES         | -       | 255      | 255     |                                                                                             |
| 0156272 | 534000 |  | CONTRACT SERVICES             | 100,000 | (255)    | 99,745  |                                                                                             |
| 0157180 | 524000 |  | WORKER'S COMPENSATION         | -       | 5,792    | 5,792   | separate workers comp from other insurance for personnel cost reporting                     |

**BUDGET AMENDMENT**  
**10/17/2022**  
**General Fund: Expenditures**

|         |        |  |                                |        |          |        |                                                                         |
|---------|--------|--|--------------------------------|--------|----------|--------|-------------------------------------------------------------------------|
| 0157180 | 531000 |  | PROFESSIONAL SVCS              | -      | 5,581    | 5,581  | increased for library facility assessment                               |
| 0157180 | 545000 |  | RISK MANAGEMENT INSURANCE      | 44,614 | (6,857)  | 37,757 | separate workers comp from other insurance for personnel cost reporting |
| 0157180 | 546000 |  | REPAIRS AND MAINTENANCE        | 17,910 | (2,081)  | 15,829 | decreased for library facility assessment                               |
| 0157233 | 524000 |  | WORKER'S COMPENSATION          | -      | 655      | 655    | separate workers comp from other insurance for personnel cost reporting |
| 0157233 | 545000 |  | RISK MANAGEMENT INSURANCE      | 13,217 | (686)    | 12,531 | separate workers comp from other insurance for personnel cost reporting |
| 0157283 | 524000 |  | WORKER'S COMPENSATION          | -      | 8,984    | 8,984  | separate workers comp from other insurance for personnel cost reporting |
| 0157283 | 531000 |  | PROFESSIONAL SERVICES          | -      | 10,369   | 10,369 | txfr in for parks facilities assessment                                 |
| 0157283 | 534000 |  | CONTRACT                       | 36,000 | (34,000) | 2,000  | txfr to prof svc for facility assessment and to utilities               |
| 0157283 | 543000 |  | UTILITIES/RECREATION LIGHTING  | 150    | 4,000    | 4,150  | underbudgeted utilities                                                 |
| 0157283 | 543100 |  | UTILITIES/LITTLE LEAGUE        | 1,030  | 2,000    | 3,030  | underbudgeted utilities                                                 |
| 0157283 | 545000 |  | RISK MANAGEMENT INSURANCE      | 71,849 | (27,314) | 44,535 | separate workers comp from other insurance for personnel cost reporting |
| 0157283 | 546000 |  | REPAIRS AND MAINTENANCE        | 6,000  | 20,000   | 26,000 | underbudgeted for maintenance contracts                                 |
| 0157283 | 547000 |  | PRINTING AND BINDING           | 7,000  | (2,369)  | 4,631  | txfr to prof svcs for facilities assessment                             |
| 0157283 | 552000 |  | OPERATING SUPPLIES             | 35,000 | 3,041    | 38,041 | PY encumbrance carried forward                                          |
| 0157284 | 524000 |  | WORKER'S COMPENSATION          | -      | 3,429    | 3,429  | separate workers comp from other insurance for personnel cost reporting |
| 0157284 | 531000 |  | PROFESSIONAL SVCS              | -      | 5,381    | 5,381  | txfr in for morgans facilities assessment                               |
| 0157284 | 534002 |  | CONTRACT SERV/SPORTS OFFICIALS | 20,018 | (2,418)  | 17,600 | txfr to insurance                                                       |
| 0157284 | 543000 |  | UTILITIES                      | 30,000 | (11,000) | 19,000 | txfr to cover maintenance contracts                                     |
| 0157284 | 545000 |  | RISK MANAGEMENT INSURANCE      | 18,650 | 2,418    | 21,068 | underbudgeted for sport league liability insurance                      |
| 0157284 | 546000 |  | REPAIRS AND MAINTENANCE        | 4,000  | 12,801   | 16,801 | underbudgeted maintenance contracts                                     |
| 0157284 | 552000 |  | OPERATING SUPPLIES             | 41,160 | 1,521    | 42,681 | PY encumbrance carried forward                                          |
| 0157291 | 524000 |  | WORKER'S COMPENSATION          | -      | 3,711    | 3,711  | separate workers comp from other insurance for personnel cost reporting |
| 0157291 | 545000 |  | RISK MANAGEMENT INSURANCE      | 40,810 | (3,543)  | 37,267 | separate workers comp from other insurance for personnel cost reporting |
| 0157291 | 552000 |  | OPERATING SUPPLIES             | 26,000 | 1,521    | 27,521 | PY encumbrance carried forward                                          |
| 0157587 | 524000 |  | WORKER'S COMPENSATION          | -      | 6,835    | 6,835  | separate workers comp from other insurance for personnel cost reporting |
| 0157587 | 531000 |  | PROFESSIONAL SVCS              | -      | 5,840    | 5,840  | txfr in for com center facility assessment                              |

**BUDGET AMENDMENT**  
**10/17/2022**  
**General Fund: Expenditures**

|         |        |       |                               |                   |                    |                   |                                  |
|---------|--------|-------|-------------------------------|-------------------|--------------------|-------------------|----------------------------------|
| 0157587 | 534000 |       | CONTRACT SERVICES             | 19,000            | 2,148              | 21,148            | PY encumbrance carried forward   |
|         |        |       |                               |                   |                    |                   | beginning of year adjustment to  |
| 0158188 | 581305 |       | TXFR OUT TO 305               | 1,205,700         | 477,111            | 1,682,811         | balance 305 grant fund (305 nets |
|         |        |       |                               |                   |                    |                   | to zero as funds are reimbursed  |
| 0158188 | 581305 | ARP   | TXFR OUT TO 305               | 790,000           | (790,000)          | -                 | to GF)                           |
|         |        |       |                               |                   |                    |                   | move to record directly in 305   |
| 0158188 | 581305 | CM001 | TXFR OUT TO 305               | 3,885,150         | (3,885,150)        | -                 | Grants Capital Projects Fund     |
|         |        |       |                               |                   |                    |                   | move to record directly in 305   |
| 0158188 | 581305 | EN615 | TXFR OUT TO 305               | 2,700,000         | (2,700,000)        | -                 | Grants Capital Projects Fund     |
|         |        |       |                               |                   |                    |                   | move to record directly in 305   |
| 0158188 | 581305 | LB001 | TXFR OUT TO 305               | 57,904            | (57,904)           | -                 | Grants Capital Projects Fund     |
|         |        |       |                               |                   |                    |                   | move to record directly in 129   |
| 0158188 | 581321 |       | TXFR OKA 1/2 PENNY            | 1,390,760         | (1,390,760)        | -                 | Special Revenue (Okaloosa Half   |
|         |        |       |                               |                   |                    |                   | Penny) fund                      |
| 0158188 | 581323 | CRH63 | TXFR RESTORE PARK GRANT       | 556,530           | (556,530)          | -                 | move to record directly in 305   |
|         |        |       |                               |                   |                    |                   | Grants Capital Projects Fund     |
| 0158188 | 581327 | RC216 | TXFR RESTORE CT PARK GRANT    | 729,918           | (729,918)          | -                 | move to record directly in 305   |
|         |        |       |                               |                   |                    |                   | Grants Capital Projects Fund     |
| 0158188 | 581509 |       | TXFR GAX TAX#2                | 231,400           | (231,400)          | -                 | move to record directly in 315   |
|         |        |       |                               |                   |                    |                   | Restricted Capital Projects Fund |
|         |        |       | <b>*Total 01 GENERAL FUND</b> | <b>27,606,158</b> | <b>(9,406,568)</b> | <b>18,199,590</b> |                                  |

\*Totals represent the entire FY'22 Budget, all line item budgets are not reflected in the chart above

**BUDGET AMENDMENT**  
**10/17/2022**  
**Special Revenue Funds**

| ORG      | OBJ    | PROJECT | ACCOUNT DESCRIPTION                | ORIGINAL<br>APPROP | TRANFRS/<br>ADJSMTS | REVISED<br>BUDGET | Comment                                                                 |
|----------|--------|---------|------------------------------------|--------------------|---------------------|-------------------|-------------------------------------------------------------------------|
| 10255231 | 532000 |         | AUDIT SERVICES                     | 8,000              | 2,000               | 10,000            | PY encumbrance carried forward                                          |
| 11055235 | 532000 |         | AUDIT SERVICES                     | 6,000              | 2,000               | 8,000             |                                                                         |
| 11055235 | 543000 |         | UTILITIES                          | 6,441              | (1,800)             | 4,641             |                                                                         |
| 11055235 | 544000 |         | RENTS AND LEASES                   | 73,000             | (10,000)            | 63,000            | txfr to (median) maintenance                                            |
| 11055235 | 546000 |         | REPAIRS AND MAINTENANCE            | 27,000             | 10,000              | 37,000            | txfr for (median) maintenance                                           |
| 11152441 | 524000 |         | WORKER'S COMPENSATION              | -                  | 8,313               | 8,313             | separate workers comp from other insurance for personnel cost reporting |
| 11152441 | 545000 |         | RISK MANAGEMENT INSURANCE          | 19,102             | (7,497)             | 11,605            | separate workers comp from other insurance for personnel cost reporting |
| 12254500 | 543000 |         | UTILITIES                          | -                  | 1,800               | 1,800             | underbudgeted parking lot utilities                                     |
| 129300   | 338029 |         | OKAL 1/2 PENNY SALES TAX           | -                  | (1,390,761)         | (1,390,761)       | direct record instead of txfr in from GF                                |
| 129300   | 381321 |         | TXFR OKA 1/2 PENNY                 | (1,390,760)        | 1,390,760           | -                 | direct record instead of txfr in from GF                                |
| 12953931 | 565000 | UNDER   | UNDERGROUNDING CAPITAL PRO         | 250,000            | 358,629             | 608,629           | PY encumbrance carried forward                                          |
| 12957231 | 561000 | CM001   | BEACH ACQUISITION (LAND)           | 2,699,850          | 16,277              | 2,716,127         | PY encumbrance carried forward                                          |
| *****    | *****  | *****   | *****                              | *****              | *****               | *****             |                                                                         |
|          |        |         | <b>TOTAL SPECIAL REVENUE FUNDS</b> | <b>15,106</b>      | <b>379,720</b>      | <b>394,826</b>    |                                                                         |

\*Totals represent the entire FY'22 Budget, all line item budgets are not reflected in the chart above

**BUDGET AMENDMENT**  
**10/17/2022**  
**CAPITAL PROJECT Funds**

| ORG      | OBJ    | PROJECT | ACCOUNT DESCRIPTION            | ORIGINAL APPROP | TRANFRS/ ADJSMTS | REVISED BUDGET | Comment                                                                                                                    |
|----------|--------|---------|--------------------------------|-----------------|------------------|----------------|----------------------------------------------------------------------------------------------------------------------------|
| 30058585 | 564000 | RRVEH   | VEHICLES                       | 463,427         | 59,617           | 523,044        | PY encumbrance carried forward                                                                                             |
| 30058585 | 565000 | RR051   | GEN GOV RR PROJECTS            | 195,000         | 9,752            | 204,752        | PY encumbrance carried forward                                                                                             |
| 30058585 | 565000 | RR053   | PHYS ENVIR RR CAPITAL PROJECTS | 26,307          | 269,561          | 295,868        | \$209,288 PY encumbrance carried forward; \$42,741 Stormwater break at Legion Dr; \$17,532 Stormwater break at Mountain Dr |
| 30058585 | 565000 | RR054   | TRANSPORTATION RR CAPITL PROJS | 482,000         | (60,273)         | 421,727        | Txfrs to RR053 for Stormwater breaks at Legion and Mountain Dr                                                             |
| 30058585 | 565000 | RR057   | PARK AND LIBRY RR CAPITL PROJS | 602,751         | 18,391           | 621,142        | PY encumbrance carried forward                                                                                             |
| 305300   | 331302 | CRH63   | RESTORE PARK CIP GRANT         | -               | (698,147)        | (698,147)      | direct record instead of txfr in from GF                                                                                   |
| 305300   | 331303 | RC216   | RESTORE PARK CIP GRANT CTP     | -               | (729,918)        | (729,918)      | direct record instead of txfr in from GF                                                                                   |
| 305300   | 331390 | ARP     | ARP - AMERICAN RECOVERY PLAN   | -               | (790,000)        | (790,000)      | direct record instead of txfr in from GF                                                                                   |
| 305300   | 331700 | LB001   | FED GRANT / IMLS CARES LIBRARY | -               | (24,906)         | (24,906)       | direct record instead of txfr in from GF                                                                                   |
| 305300   | 334380 | SW55    | STATE GRANT - FDEM STORMWATER  | -               | (96,619)         | (96,619)       | New Grant awarded November 2021                                                                                            |
| 305300   | 334491 | EN615   | STATE GRANT - TRANSPORTATI     | -               | (2,699,664)      | (2,699,664)    | direct record instead of txfr in from GF                                                                                   |
| 305300   | 337712 |         | TDC 12.5%                      | -               | (1,104,920)      | (1,104,920)    | New Grant awarded August 2022                                                                                              |
| 305300   | 337714 | CM001   | TDC BOCC                       | -               | (2,256,156)      | (2,256,156)    | direct record instead of txfr in from GF                                                                                   |
| 305300   | 366540 | NORG1   | PRIVATE DONATION ROAD          | -               | (30,000)         | (30,000)       | New contribution agreement awarded December 2021                                                                           |
| 305300   | 381305 |         | TXFR TO 305                    | (1,205,700)     | (477,111)        | (1,682,811)    | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381305 | ARP     | TXFR TO 305                    | (790,000)       | 790,000          | -              | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381305 | CM001   | TXFR TO 305                    | (3,885,150)     | 3,885,150        | -              | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381305 | EN615   | TXFR TO 305                    | (2,700,000)     | 2,700,000        | -              | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381305 | LB001   | TXFR TO 305                    | (57,904)        | 57,904           | -              | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381323 | CRH63   | TXFR RESTORE PARK              | (556,530)       | 556,530          | -              | direct record instead of txfr in from GF                                                                                   |
| 305300   | 381327 | RC216   | TXFR RESTORE CT PARK           | (729,918)       | 729,918          | -              | direct record instead of txfr in from GF                                                                                   |
| 30553833 | 564000 | SW55    | MACHINERY AND EQUIPMENT        | -               | 96,619           | 96,619         | New Grant awarded November 2021                                                                                            |



|          |        |       |                               |           |             |           |                                                                            |
|----------|--------|-------|-------------------------------|-----------|-------------|-----------|----------------------------------------------------------------------------|
| 30554036 | 565000 | NORG1 | NORRIEGO PT ROAD              | -         | 30,000      | 30,000    | New contribution agreement awarded December 2021                           |
| 30554133 | 565000 | EN615 | CROSS TOWN CONNECTOR          | 2,700,000 | (336)       | 2,699,664 | Reduce for prior year expenditures recorded against grant                  |
| 30557133 | 564090 | LB001 | COMPUTER EQ/SOFT TECHNOLOGY   | 57,904    | (30,200)    | 27,704    | Reduce for prior year expenditures recorded against grant                  |
| 30557212 | 561000 | CM001 | BEACH                         | -         | 484,920     | 484,920   | New Grant awarded August 2022                                              |
| 30557212 | 565000 | CRH63 | TDC FOR CAPT ROYAL MELV PARK  | -         | 120,000     | 120,000   | New Grant awarded August 2022                                              |
| 30557212 | 565000 | RC101 | BOARDWALKS                    | -         | 500,000     | 500,000   | New Grant awarded August 2022                                              |
| 30557233 | 565000 | CRH63 | CAPTAIN ROYAL MELVIN PARK     | 556,530   | 51,762      | 608,292   | PY encumbrance carried forward                                             |
| 30557237 | 561000 | CM001 | BEACH ACQUISITION (LAND)      | 3,885,150 | (1,628,994) | 2,256,156 | Reduce for prior year expenditures recorded against grant                  |
| 30558500 | 531001 | CRH65 | PROFESSIONAL SVCS             | -         | 250,000     | 250,000   | PY encumbrance carried forward                                             |
| 30558500 | 564000 | XMAS  | XMAS DECORATIONS              | -         | 68,160      | 68,160    | PY encumbrance carried forward                                             |
| 30558500 | 565000 | CRH63 | CAPT ROYAL MELVIN PARK        | 75,000    | 30,289      | 105,289   | PY encumbrance carried forward                                             |
| 30558500 | 565000 | EVENT | CITY CENTER                   | 75,000    | (75,000)    | -         | Council moved to Council Contingency in General Fund                       |
| 30558500 | 565000 | IT003 | GEN TECHNOLOGY REPLACEMTS     | 50,000    | (11,221)    | 38,779    |                                                                            |
| 30558500 | 565000 | SALLY | SALLY CAPITAL PROJECTS        | -         | 57,116      | 57,116    | PY encumbrance carried forward                                             |
| 30558500 | 565000 | TR618 | ZERBE-CALHOUN PEDESTRIAN PATH | -         | 155,932     | 155,932   | PY encumbrance carried forward                                             |
| 315300   | 312420 |       | LOCAL OPTION GAS TAX #2       | -         | (231,400)   | (231,400) | direct record instead of txfr in from GF                                   |
| 315300   | 381509 |       | TXFR GAX TAX#2                | (231,400) | 231,400     | -         | direct record instead of txfr in from GF                                   |
| 31553732 | 531000 | NPDES | PROFESSIONAL SVCS             | -         | 32,500      | 32,500    | Txfr to appropriate FL Uniform Accounting category (to 531000 from 565000) |
| 31553732 | 565000 | CRH63 | CAPTAIN ROYAL MELVIN PARK     | -         | 18,025      | 18,025    | PY encumbrance carried forward                                             |
| 31553732 | 565000 | NPDES | NPDES ANNUAL CERTIFICATION    | 32,500    | (32,500)    | -         | Txfr to appropriate FL Uniform Accounting category (to 531000 from 565000) |
| 31554031 | 565000 | SW53  | CONSTRUCTION IN PROGRESS      | -         | 6,148       | 6,148     | PY encumbrance carried forward                                             |

|          |        |       |                                    |                  |                |                  |                                                                                                                                |
|----------|--------|-------|------------------------------------|------------------|----------------|------------------|--------------------------------------------------------------------------------------------------------------------------------|
|          |        |       |                                    |                  |                |                  | PY encumbrance<br>carried forward plus<br>\$11,630 transfer in<br>from CRH63 budget to<br>update CrossTown<br>Connector design |
| 31554132 | 565000 | EN615 | CROSS-TOWN CONNECTOR               | -                | 330,268        | 330,268          |                                                                                                                                |
| 31554132 | 565000 | NORG1 | NORRIEGO POINT ROAD                | 350,000          | (11,630)       | 338,370          | Txfr to Cross                                                                                                                  |
| 31557232 | 565000 | CRH63 | CAPTAIN ROYAL MELVIN PARK          | 75,000           | 72,209         | 147,209          | PY encumbrance<br>carried forward                                                                                              |
| .....    | .....  | ..... | .....                              | .....            | .....          | .....            |                                                                                                                                |
|          |        |       | <b>TOTAL CAPITAL PROJECT FUNDS</b> | <b>1,793,860</b> | <b>623,177</b> | <b>2,417,037</b> |                                                                                                                                |

\*Totals represent the entire FY'22 Budget, all line item budgets are not reflected in the chart above

## NOTICE

NOTICE IS HEREBY GIVEN that the City of Destin City Council will hold a public hearing on Monday, October 17, 2022, at 6:00 p.m., at the Destin City Hall Annex Council Chambers, 4100 Indian Bayou Trail, Destin, Florida, to consider the following ordinance which title read:

### **ORDINANCE 22-15-CN**

**AN ORDINANCE OF THE CITY OF DESTIN AMENDING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS FOR THE CITY OF DESTIN, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND PROVIDING FOR AN EFFECTIVE DATE.**

Copies of the above-mentioned subject may be reviewed at the Destin City Hall Annex, Planning Division. The public is encouraged to provide written and/or verbal comments on the above referenced matters.

All persons are advised that, if any person decides to appeal any decision made at any of these meetings, he/she will need a record of the proceedings and, for such purpose, they need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (*Florida Statutes* 286.0105).

Persons with disabilities who require assistance to participate in this meeting are requested to notify the City Clerk's office at (850) 837-4242 at least 48 hours in advance.

Personas con discapacidades que necesitan asistencia o personas que necesiten 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.

Rey Bailey  
City Clerk

10/7/22 and 10/12/22

## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022**TYPE OF AGENDA ITEM:** Public Hearing**AGENDA OUTLINE NUMBER:** 5.B.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Kimberly Kopp, Land Use Attorney  
Louis Zunguze, Community Development Director**DATE:** October 7, 2022**SUBJECT:** First reading of Ordinance 22-16-CN - Providing for a six-month extension of the temporary moratorium on livery vessel permits; directing staff to develop recommendations for regulation of livery vessels; providing for expiration of moratorium on June 30, 2023.**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 to allow the Army Corp additional time to complete the study. On May 11, 2022, the Livery Moratorium was extended through December 31, 2022.

On October 3, 2022, the City Manager, Staff and the Land Use Attorney presented the Army Corps preliminary raw data to the City Council, and advised Council that full results are expected from the Army Corps in January. Therefore, the City Council directed staff to return on October 17th with first reading of an additional 6 month extension through June 30, 2023. This will enable the City Council to receive and analyze the full study results in January, and provides a time frame for the City Council to consider and/or adopt additional, modified, or continued regulations based on such results.

## **II. DISCUSSION:**

As previously discussed, the Harbor Carrying Capacity Study focuses on the following three goals:

- Protecting the environmental health of the harbor and surrounding waterways.
- Promoting safety and enjoyment on our local waters.
- Promoting the economic viability of businesses operating on or along the Harbor.

Since July of 2021, the City of Destin and the ACOE have been conducting a number of activities to support the Destin Harbor Carrying Capacity Study. These activities include:

- Counting of parking spaces around the harbor area, including both public and private parking.
- Counting of vessels in the harbor and on the water.
- Inventory of both parking spaces, trailer spaces, and vessel slips.
- Photography of the harbor area including slips and vessels.
- In-person surveys around the harbor area and boat launches.
- Mailed surveys to a sample of residents including, slip owners.

While the Study remains ongoing at this time, it is nearing conclusion and the ACOE has provided the attached preliminary data to City staff for informational purposes. It is anticipated that the completed study and final report will be provided to the City Council in January, 2023.

### **PRELIMINARY DATA SUMMARY:**

It was determined that a sample of peak and non-peak dates throughout the summer would be representative of the existing usage trends in the harbor and facilities. The length of data collection varied from four-day weekends to regular weekends and coverage of weekdays. Below is a schedule of dates for rounds of data collection:

- a. Memorial Weekend, May 26-30
- b. July 4th Weekend, June 27- July 5
- c. July 14-22
- d. August 1-8
- e. August 18-22
- f. Labor Day Weekend, September 1-6

The total number of days observed for vessel traffic collection is as follows: 12 holidays, 9 non-holiday regular weekends and 10 weekdays. As previously stated, data analysis substantiates the vessel traffic trends at Destin harbor.

Vessel traffic at Destin harbor was observed for a total of nine regular weekend days. Livery pontoons were the most recorded with over 5,000 trips to access the harbor followed closely by personal vessels and jet skis as presented in Figure 2 of the attached preliminary report. It was generally expected that regular weekends would not be as busy as those of holiday weekends. By comparison, on average, there were only 100 fewer vessels accessing the harbor on regular weekends than on holidays.

Vessel traffic on regular weekdays was also observed for the capacity analysis. On regular weekdays, harbor access by livery pontoons were the most recorded with about 4,500 trips followed by jet-skis and tour charters. Personal vessels were recorded to enter or exit the harbor about 2,500 times. Figure 3 in the attached report summarizes the total number of vessel traffic by category on regular weekdays.

At this time, staff is recommending a six-month extension of the moratorium because it anticipates that it will receive final results of the ongoing Harbor Capacity Study from the Army Corps of Engineers in January 2023. The six month extension through June 30, 2023 will provide the City Council with a time frame to consider the final results and any appropriate next steps.

**Ordinance 22-16-CN is now before the City Council on first reading, and would extend the existing Temporary Moratorium to June 30, 2023.**

- A. Link to Strategic Goals / Objectives:
- B. Effect on Budget (EOB):
- C. Level of Service (LOS):
- D. Legislative Sponsor: City Council directive on October 3, 2022.

**III. CONCLUSION:** Staff recommends approval of Ordinance 22-16-CN on first reading.

**IV. RECOMMENDED MOTION:** I move to approve Ordinance 22-16-CN on first reading.

Attachments:

1. Livery Moratorium Ext First Reading  
22-16-CN June 30 2023
2. Destin Harbor PAS Progress Report  
09-26-22
3. Copy of Copy of Destin PAS- Draft  
Schedule

## **ORDINANCE 22-16-CN**

**AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO LIVERY VESSELS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR A SIX MONTH EXTENSION OF THE TEMPORARY MORATORIUM ON LIVERY VESSEL PERMITS; DIRECTING STAFF TO DEVELOP RECOMMENDATIONS FOR REGULATION OF LIVERY VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXPIRATION OF MORATORIUM ON JUNE 30, 2023; 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**, on May 11, 2022, the City Council passed Ordinance 22-08-CN, which extended the existing temporary moratorium on livery vessel permits until December 31, 2022; and

**WHEREAS**, on October 3, 2022, Staff presented the City Council with preliminary data from the Army Corp pursuant to the ongoing Harbor Carrying Capacity Study, including but not limited to data indicating that livery pontoons were recorded with over 5,000 trips on regular weekend days, and about 4,500 trips on regular weekdays during the time period further detailed in the preliminary report.

**WHEREAS**, the City Council anticipates that it will receive further information and the final results of 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, through June 30, 2023; 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 June 30, 2023. ~~December 31, 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.

**ADOPTED THIS 2<sup>ND</sup> DAY OF MAY 2022**

By:

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Gary Jarvis, Mayor

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.

ATTEST:

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Kimberly Romano Kopp  
City Land Use Attorney

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Rey Bailey, City Clerk

# Destin Harbor Capacity Planning Assistance to States (PAS) Progress Report

September 2022

## I. Executive Summary

The Destin Harbor Carrying Capacity Study (capacity study) is conducted by the US Army Corps of Engineers (USACE) under its the Planning Assistance to States (PAS) program. A temporary livery vessel moratorium is currently enacted in the harbor. This capacity study was commissioned by the City of Destin to identify the carrying capacity of the harbor, and the existing and future harbor use to inform recommendations. The City of Destin and the USACE Mobile District signed a PAS agreement in November 2021 to initiate the study.

The ongoing capacity study assesses the vessel traffic patterns at Destin Harbor entrance over the 2022 summer season. Observations of usage at key facilities at the harbor and surrounding area were also conducted. Key facilities include slippage occupancy along the harbor walk, vehicle parking, boat trailer parking, and boat launches. This progress report provided at the request of the City is limited to the preliminary data findings of vessel traffic. Data collection in the field concluded on Labor Day weekend on 6 September 2022.

The capacity study organizes the vessels accessing Destin Harbor into eight vessel classifications which include fishing charters, livery pontoons, privately owned (personal) pontoons, and personal vessels. A data collection sample representative of peak and non-peak recreation periods was taken between the months of May to September. The periods of data collection are categorized as follows: 1. Holidays, consisting of four-day weekends, 2. non-holiday three-day weekends (Regular Weekend) and 3. regular weekdays (Weekdays). The preliminary vessel traffic count summarized in **Table 1** shows that the daily average number of vessels entering and exiting the harbor is about 2,200 on a holiday, 2,100 on a non-holiday weekend and over 1,500 on regular weekdays.

**Table 1 Average Daily Entry/Exit**

|                 | Fishing Charter | Tour Charter | Livery Pontoon | Personal Pontoon | Personal Vessel | Sailboat | Jet Ski | Non-Motor Crafts | Total Average |
|-----------------|-----------------|--------------|----------------|------------------|-----------------|----------|---------|------------------|---------------|
| Holiday         | 61              | 234          | 470            | 191              | 833             | 8        | 388     | 19               | 2,204         |
| Regular Weekend | 74              | 340          | 587            | 124              | 531             | 9        | 404     | 22               | 2,091         |
| Weekday         | 97              | 282          | 466            | 124              | 252             | 11       | 294     | 14               | 1,540         |

The study team continues its data analyses to account for margin of errors and projections for the future. It is important to note that the data findings presented are undergoing quality assurance review and a series of analyses. As such, the progress report informs the City on the status of the PAS but does not present recommendations for any level of decision making.

## II. Introduction

White sandy beaches, emerald-green waters and abundant fishing make Destin a primary destination for boating recreation to visitors and residents. The harbor is central to such recreation activities in Destin. The harbor facilities include the Harbor Walk Village providing access to restaurants, tour companies and fishing charters, contributing to the economic vitality of the area. However, there are safety concerns associated with high volume vessel traffic at the narrow harbor entrance. The capacity study is assessing the current capacity of the harbor and considerations related to the environmental health of the harbor and surrounding waters, the safety of the public in the local waterways and economic vitality of local businesses along the harbor.

The PAS program offers technical assistance to support planning efforts related to the management of state water resources, including economic or environmental data analysis in support of the State's (including local governmental agencies) water resources management and related land resources development plans or related planning documents. Accordingly, the capacity study undertaken support of the City's strategic goals and objectives laid out in its comprehensive plans.

## III. Data Collection

Data collection consisted of counting vessels entering and exiting the harbor, slippage capacity, and parking space capacities at select parking lot locations servicing the harbor facilities. Vessels traffic at the harbor mouth was observed for nine hours each day. Parking lots and slippage facilities were counted three times a day, during anticipated peak traffic of morning, afternoon, and evening. Data sheets, method design, and vessel classifications were developed collaboratively with the City. After obtaining feedback from the City, the study team conducted orientations at the beginning of the summer for staff involved with the data collection efforts.

It was determined that a sample of peak and non-peak dates throughout the summer would be representative of the existing usage trends the harbor and facilities. The length of data collection varied from four-day weekends to regular weekends and coverage of weekdays. Below is a schedule of dates for rounds of data collection

- a. Memorial Weekend, May 26-30
- b. July 4<sup>th</sup> Weekend, June 27- July 5
- c. July 14-22
- d. August 1-8
- e. August 18-22
- f. Labor Day Weekend, September 1-6

Assumptions were made based on professional judgement and past field experience in relation to each of the three data collection components: boat counting, slippage capacity counts, and parking counts. The assumptions have been recorded and will be in the final report.

#### IV. Preliminary Data Results

The total number of days observed for vessel traffic collection is as follows: 12 holidays, 9 non-holiday regular weekends and 10 weekdays. As previously stated, data analysis is ongoing to substantiate the vessel traffic trends at Destin harbor. The following graphs present total number of exits and entries by each vessel class. During holidays personal vessels were the most recorded to access the harbor about 10,000 trips through the harbor mouth as shown in Figure 1. Livery pontoons were the next most recorded with about half of the total trips of personal crafts. There were just over 4,000 exits and entries made by jet skis.

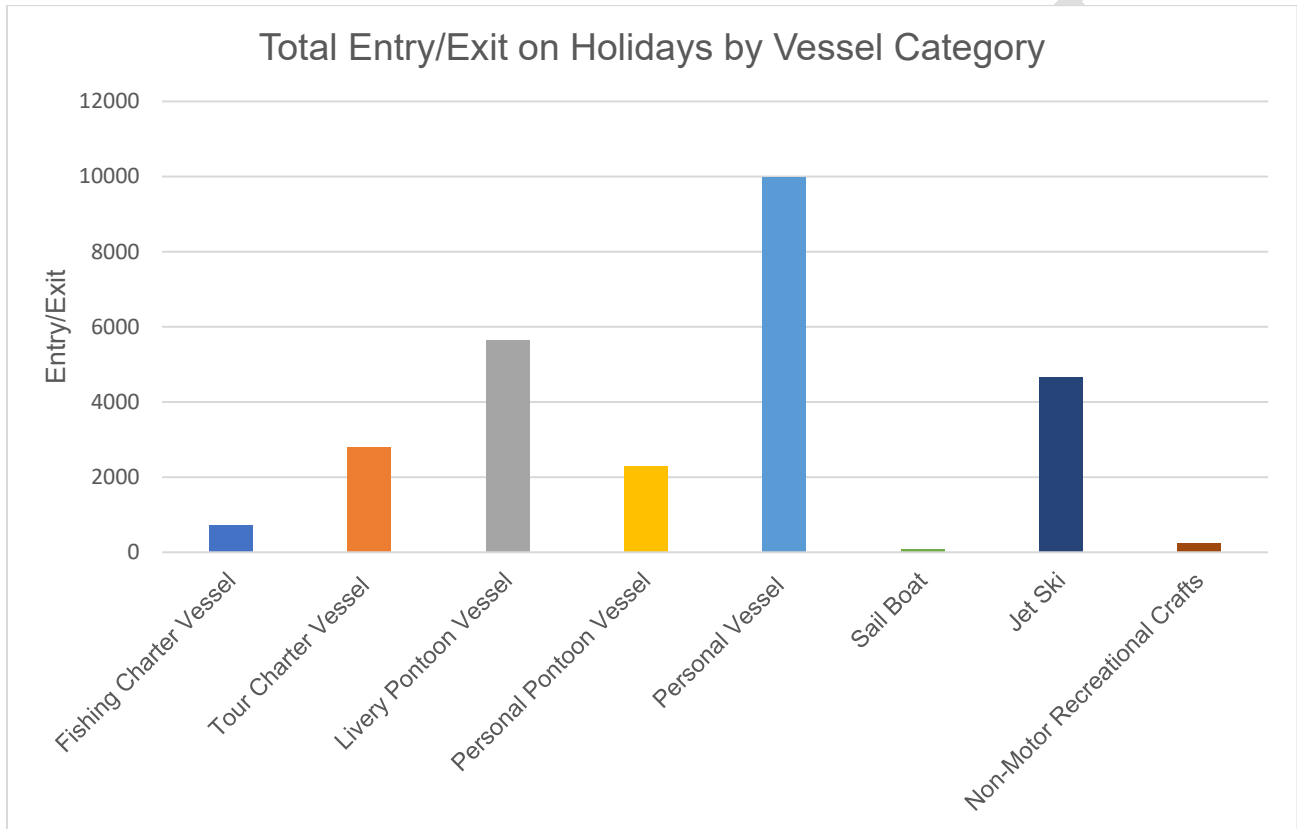


Figure 1 Total Vessel Traffic Observed on Holidays

Vessel traffic at Destin harbor was observed for a total of nine regular weekend days. Livery pontoons were the most recorded with over 5,000 trips to access the harbor followed closely by personal vessels and jet skis as presented in Figure 2. It was generally expected that regular weekends would not be as busy as that of holiday weekends. By comparison, on average there were only 100 fewer vessels accessing the harbor on regular weekends than holidays.

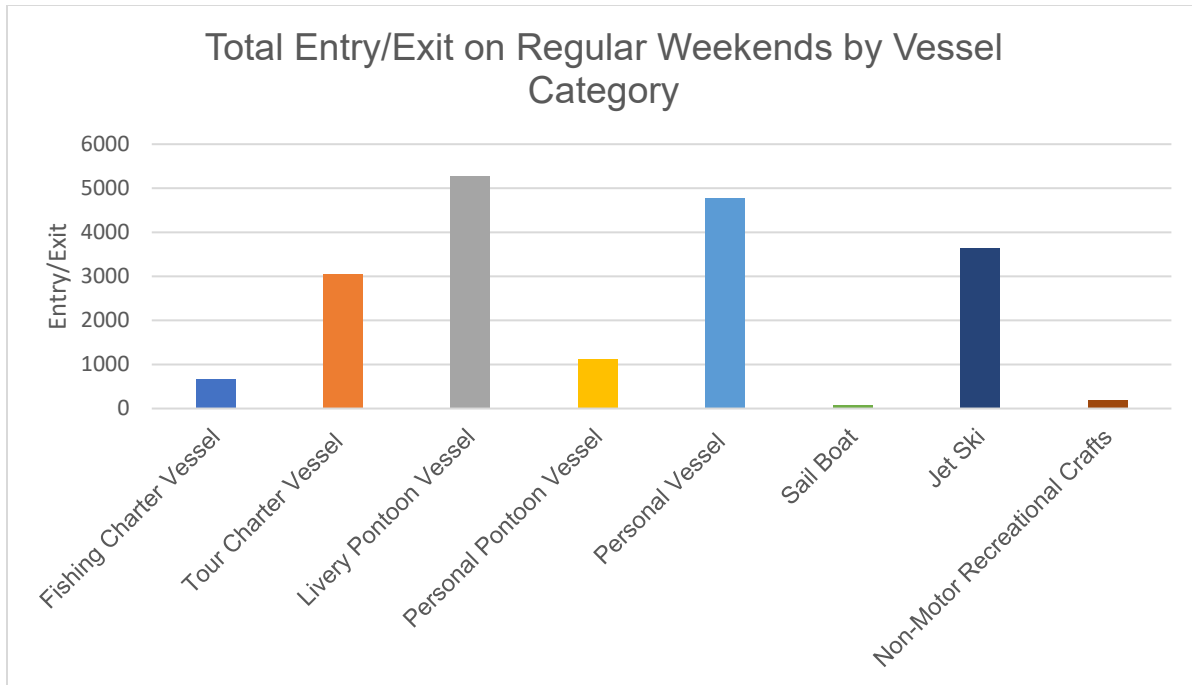


Figure 2 Total Vessel Traffic Observed on Regular Weekends

Vessel traffic on regular weekdays was also observed for the capacity analysis. On regular weekdays, harbor access by livery pontoons were the most recorded with about 4,500 trips followed by jet-skis and tour charters. Personal vessels were recorded to enter or exit the harbor about 2,500 times. Figure 3 summarizes the total number of vessel traffic by category on regular weekdays.



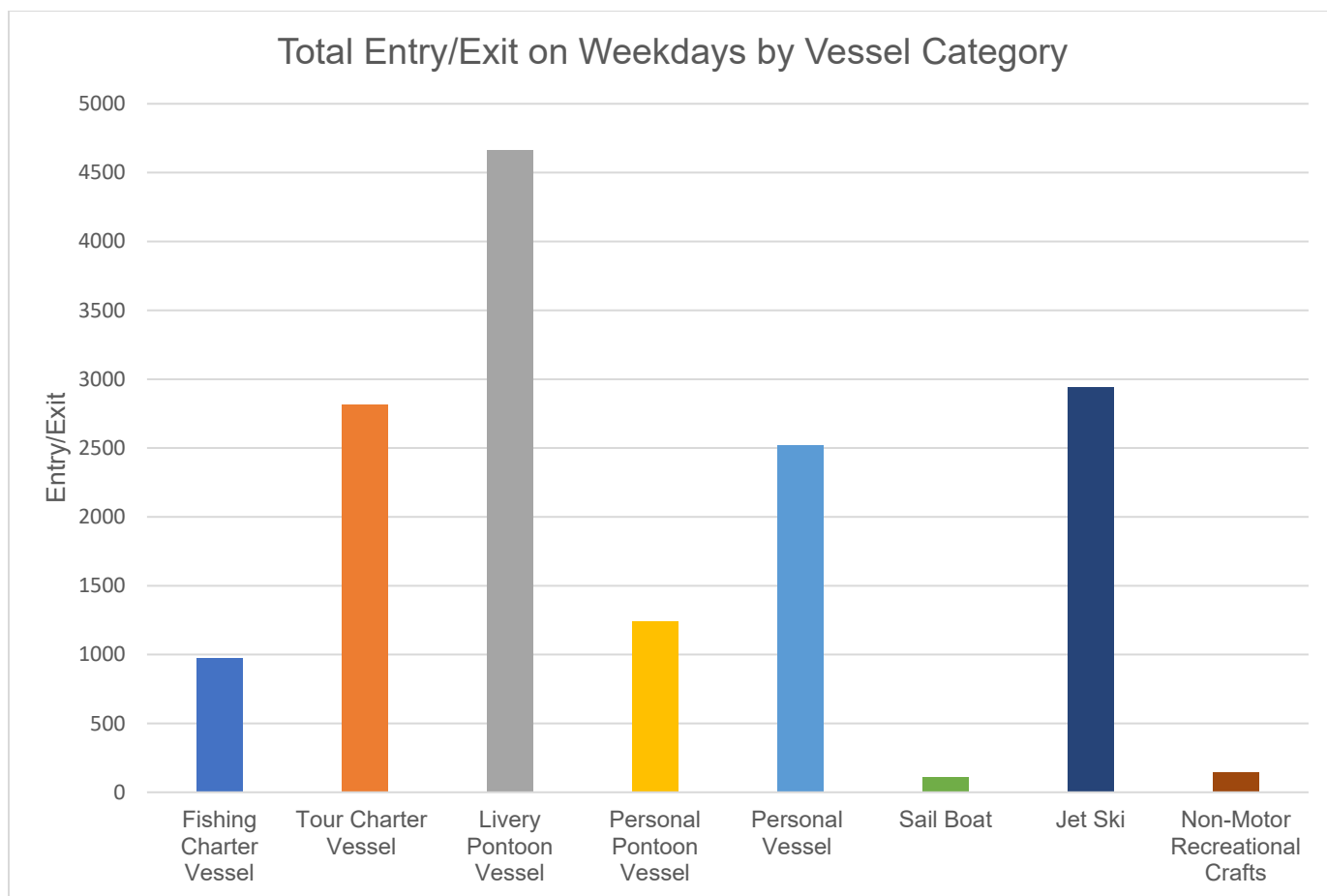


Figure 3 Total Vessel Traffic Observed on Weekdays

## V. Agency Coordination

The study team conducted meetings with several agencies to learn more about the surrounding area and their insights about harbor users. Meetings led by the environmental team members include National Park Service (NPS), Coast Guard (USCG), Office of the Sheriff, and Fish and Wildlife Commission (FWC). These meetings introduced the current PAS effort for awareness of the agencies. In addition, the meetings enabled the study team to request background information that will assist in the harbor capacity analysis.

## VI. Schedule and Proposed Changes

To view the draft study schedule please refer to the attached Excel spreadsheet. The green color codes the current schedule and tan is the proposed schedule extension. Ongoing findings by the study team indicate that more research and coordination with the above agencies will be required for the harbor analyses. The PAS study schedule includes a quality review of draft report prior to public release. This review involves the USACE office of counsel and typically takes two-three weeks. The study team requests a schedule extension the draft report to be presented to the public and stakeholders. The current schedule puts the public engagement in November (per verbal discussions). We recommend that the public meeting is scheduled in mid-January with final report to follow in April, 2023. This will allow time for quality check and

account for holidays when a bulk of staff take leave and will not be available to complete the study tasks. Additionally, we expect more public interest attend a meeting in January after the holidays.

The capacity study findings are to inform the City of Destin's decisions with regards to managerial actions related to future use of Destin Harbor. This includes better ways to regulate livery vessels to manage congestion for safe navigation in the Harbor. Such recommendations will not be available until early January, 2023. In this regard, we support an extension of the livery vessel moratorium if the City decides to defer lifting the moratorium until the capacity study is completed.

PRELIMINARY REPORT

| Task # | Tasks                                  | 2021      |          | January | February |
|--------|----------------------------------------|-----------|----------|---------|----------|
|        |                                        | November  | December |         |          |
| 1      | PPA Signed                             | 5/11/2021 |          |         |          |
| 2      | Boat Count Data Collection             |           |          |         |          |
| 3      | Harbor Capacity & Survey Data Analysis |           |          |         |          |
| 4      | Report Writing                         |           |          |         |          |
| 5      | Report DQC                             |           |          |         |          |
| 5.1    | Concurrent Internal and NFS review     |           |          |         |          |
| 5.2    | PDT address comments and backcheck     |           |          |         |          |
| 6      | Draft Report Due                       |           |          |         |          |
| 7      | Public Presentation                    |           |          |         |          |
| 7.1    | Present Findings and recommendations   |           |          |         |          |
| 7.2    | Open House for public comments         |           |          |         |          |
| 8      | Finalize Report                        |           |          |         |          |
| 8.1    | Incorporate/address public comments    |           |          |         |          |
| 8.2    | Finalize Recommendations               |           |          |         |          |
| 9      | Project Close Out Actions              |           |          |         |          |

#### Notes and Legend

Current schedule with data collection wrap up in September

Proposed schedule changes



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2nd Week of Nov

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## CITY OF DESTIN



# AGENDA ITEM

**COUNCIL MEETING DATE:** October 17, 2022**TYPE OF AGENDA ITEM:** Public Hearing**AGENDA OUTLINE NUMBER:** 5.C.**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director  
Kimberly Kopp, Land Use Attorney  
Daniel Butler, Senior Planner**DATE:** October 7, 2022

**SUBJECT:** Candi Gray of Emerald Coast Permitting, Inc., on behalf of Wayne Lung of Heron's Nest LLC, has submitted an application for City Council review and determination for construction of a 26-slip commercial marina to be located at 105 and 109 Calhoun Avenue. The marina is proposed to consist of one (1) 392' x 8' access pier, one (1) 171' x 9' terminal platform, six (6) 30' x 4' finger piers, four (4) 25' x 3' finger piers, and two (2) 21' x 3' finger piers, comprising a total of ±5,821 square feet. The marina is also proposing to provide a Water Taxi Boarding Area.

**I. BACKGROUND:** Candi Gray of Emerald Coast Permitting, Inc., on behalf of Wayne Lung of Heron's Nest LLC, has submitted an application for Harbor and Waterways Board & City Council review for the construction of a 26-slip commercial marina to be located at 105 & 109 Calhoun Avenue. The marina is proposed to consist of one (1) 392' x 8' access pier, one (1) 171' x 9' terminal platform, six (6) 30' x 4' finger piers, four (4) 25' x 3' finger piers, and two (2) 21' x 3' finger piers, comprising a total of ±5,821 square feet. The marina is also proposing to provide a Water Taxi Boarding Area.

**II. DISCUSSION:** The applicant requests City Council approval for a commercial marine construction project located at 105 and 109 Calhoun Avenue, located within the Choctawhatchee Bay, a Class II Florida Waterbody. The proposed marine construction project meets the following requirements of ***Land Development Code (LDC) Section 11.05.00***, in addition to providing the 25-foot riparian setback on the south side of the dock,

- ***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.N** – *Slip density*
- **8.09.03.A.9.d** - *Water taxi stop*

The project was heard and received recommended approval by the Harbor and Waterways Board on Monday, September 26, 2022. Also, the project requested a Variance from **LDC Section 11.05.01.M**, regarding the maximum length of dock allowed. The maximum length allowed along the Choctawhatchee Bay is 1.5 feet per linear foot of water frontage. The plans show 208 feet of waterfront, allowing for a 312' long pier. The proposed project is proposing a 392' long pier. The excess length is due to an identified environmentally sensitive area of sea grass within the first 100+/- feet of the pier. The Variance Request was approved at the regularly scheduled Board of Adjustment on October 5, 2022.

There are inconsistencies in the requested number of slips illustrated on the “revised” site plan submitted to the City versus the site plan submitted to the Florida Department of Environmental Protection (FDEP) and the United States Corps of Engineers (USACE). The number of slips on the approved USACE and FDEP plans are thirty-three (33). However, the applicant is requesting twenty-six (26). Twenty-five (25) commercial slips plus one (1) transient slip are identified as a “Transient Mooring Area.” This transient mooring area is considered a slip and therefore shall only allow for one (1) transient vessel at a time. The applicant will be required to revise and resubmit the plans accordingly.

It is worth noting there are two existing docks at the site and portions of both structures exist within 25' of the riparian lines. The dock to the south will retain one boat slip or lift as identified on the site plan. The dock to the north is identified to have the existing boat lift removed. However, the dock layout is remaining untouched.

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

- A. Link to Strategic Goals / Objectives:** Economic Development & Revitalization
- 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:**

**III. CONCLUSION:** The applicant provided permits from both the Florida Department of Environmental Protection (FDEP), Permit No. 0317602-002-EI/46 and U.S Army Corps (USACE) of SAJ-2019-03226 (SP-SWA).

City staff has reviewed the application and determined that the plans comply with City codes and regulations, aside from the approved Variance requested for the maximum length of the dock.

**HWB RECOMMENDATION:** HWB recommends approval of the 25-slip commercial marina, also proposed to include a Water Taxi Boarding Area and 1 transient mooring slip, proposed at 105 & 109 Calhoun Avenue. The project consists of one (1) 392' x 8' access pier, one (1) 171' x 9' terminal platform, six (6) 30' x 4' finger piers, four (4) 25' x 3' finger piers, and two (2) 21' x 3' finger piers, comprising a of total ±5,821 square feet,

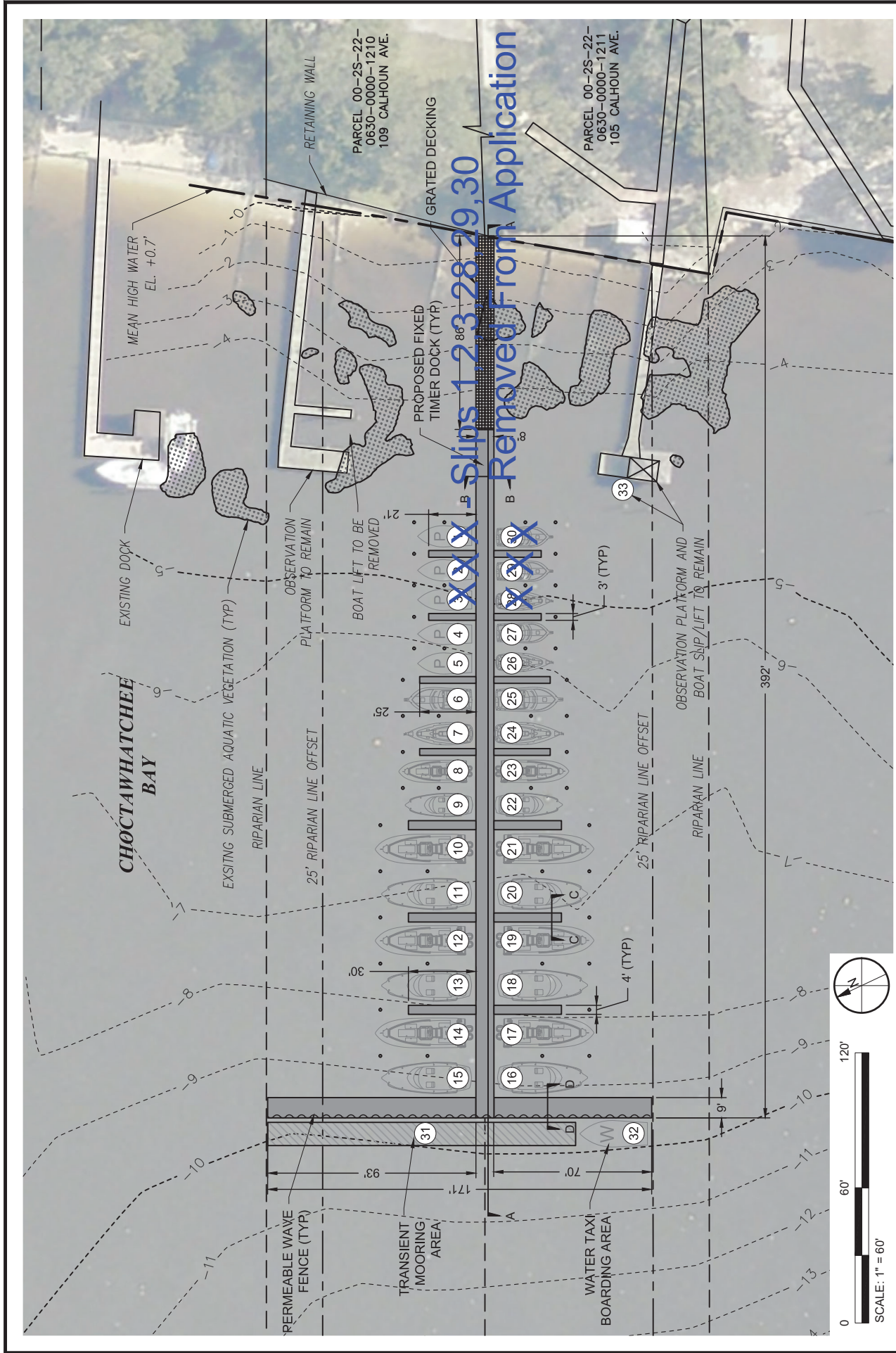
subject to the decision of the Board of Adjustment on the variation from the maximum permitted length of the dock, as well as the following conditions:

1. Signs shall be posted along the existing docks that state “No Moring” along the length of the dock where there is no approved or identified slip per the submitted site plan.
2. Conditioned upon only one (1) transient vessel moored at any time in the area identified as “Transient Mooring Area” on the site plans.
3. No vessels utilized at the Heron’s Nest marina shall have on-board toilets, per **LDC 11.05.01.I**, unless addressed within the Development Order process.
4. The Water Taxi Stop area shall meet all the standards for a Water Taxi Stop per **LDC 8.09.03.A.9.d – Water Taxi Stop**.
5. 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 and it shall be installed prior to the issuance of a Certificate of Completeness (CC) per **LDC 11.05.01.U**.
6. The proposed dock shall provide appropriate firefighting equipment and facilities as specified by the Fire Marshall per **LDC 11.05.01.V**.
7. At the time of marine construction permit application submittal, the applicant shall provide the City with revised and approved plans from FDEP and USACE reflecting 25 slips, plus one transient slip and the water taxi boarding area. The plans shall not deviate from the approved dimensions as presented or as approved by the Harbor and Waterways Board, the Board of Adjustment, or City Council.
8. The applicant shall submit a Minor Deviation to a Major Development Order application for review and approval by the Technical Review Committee (TRC) prior to submittal of any Building Permit application.

**IV. RECOMMENDED MOTION:** I move that the City Council approve the Commercial Marine Construction project located at 105 and 109 Calhoun Avenue, subject to the recommended Harbor and Waterways Board conditions and all applicable Federal, State, and City permit requirements.

Attachments:

1. A. Revised Site Plan
2. B. FDEP
3. C. USACE
4. D. Cost Estimate
5. E. Abutter Notice



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541

CERTIFICATE OF AUTHORIZATION #4815

FIGURE 4  
PROPOSED SITE PLAN  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |      |
|----------|-----------|------|
| PROJECT  | C2018-051 | SEAL |
| DRAWN BY | AF/CAS    |      |
| SHEET    | 4 of 8    |      |
| DATE     | JULY 2019 |      |

DRAFT

DUNCAN GREER P.E. #83306

PRELIMINARY DRAWINGS: THESE DRAWINGS ARE NOT IN FINAL FORM, BUT ARE BEING TRANSMITTED FOR AGENCY REVIEW.



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## **Permittee/Authorized Entity:**

Heron's Nest, LLC  
c/o Wayne Lung  
600 4<sup>th</sup> Street  
Destin, Florida 32541, Okaloosa County  
[WLung@embarqmail.com](mailto:WLung@embarqmail.com)

## **Heron's Nest Marina**

## **Authorized Agent:**

Duncan Greer  
4300 Legendary Drive, Suite C246  
Destin, Florida 32541  
[DGreer@taylorengineering.com](mailto:DGreer@taylorengineering.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.: 0317602-002-EI/46  
Lease File No.: 460355891

**Permit Issuance Date: May 18, 2020**  
**Permit Construction Phase Expiration Date: May 18, 2025**

# **Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization**

**Permittee/Grantee: Heron's Nest, LLC**  
**Permit No: 0317602-002-EI/46**

## **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located at 105 and 109 Calhoun Ave, Destin, Florida 32541, Parcel IDs 00-2S-22-0630-0000-1210 and 00-2S-22-0630-0000-1211, in Section 00, Township 02 South, Range 22 West in Okaloosa County, at 30°23'55.72" North Latitude, 86°30'49.18" West Longitude.

## **PROJECT DESCRIPTION**

The permittee is authorized to construct a new 33-slip commercial marina. The marina facility will be constructed in addition to two existing piers and will include a designated water-taxi slip. Handrails and "No Mooring" signs will be installed adjacent to the areas not authorized for mooring on all three piers and the existing mooring pilings will be removed. The project is located within Choctawhatchee Bay, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the preemption of 29,299 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

## **AUTHORIZATIONS**

### **Heron's Nest Marina**

#### 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. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the appropriate form of proprietary authorization is a lease. Based on the information submitted, we have begun processing your application to use sovereign submerged lands (460355891). Please contact Wade Dandridge at (850)595-0655 for additional information.

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 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 federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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 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 West Government St, Suite 308, Pensacola, FL 32502.

#### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain onsite at all times during the activities.
5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. 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.
6. The existing mooring pilings located at the facility outside the Sovereign Submerged Lands Lease area shall be removed.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion control shall be implemented and 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 are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
8. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.
9. 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.



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

11. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

12. Pilings within areas containing seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

13. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimum of five feet above mean high water. The section of the access pier that traverses seagrasses shall be constructed of grated decking.

14. Mooring is prohibited along both sides of the access pier and along the waterward face of dock structures adjacent to non-leased Sovereign Submerged Lands. Handrails shall be constructed to eliminate access by boaters, installed concurrently with dock construction, and shall be maintained for the life of the facility. "No Mooring" signs shall be posted along the waterward face of dock structures in these areas. The signs must be installed prior to occupancy.

15. Any damage to wetlands or surface waters 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.

16. 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.

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

17. 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](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

18. Waterborne craft moored over sovereign submerged lands at the docking facility, on either a temporary or permanent basis, shall not extend beyond the limits of the sovereignty submerged land lease. The slip sizes shown on the attached permit drawings and on the survey to be attached to the sovereignty submerged land lease indicate a length over all (LOA) for the slips designated. The permittee shall take all measures necessary to ensure all boats moored over sovereign

submerged lands at the docking facility are completely within the limits of the submerged land lease.

19. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of any major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull painting, and any discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal-based bottom paints associated with hull scraping, cleaning, and painting.

20. In-the water hull scraping and any abrasive process is prohibited at the authorized facility. In-the-water soft cleaning with brushes, sponges, or towels is approved at the authorized facility. The use of detergents during soft cleaning is prohibited at the authorized facility.

21. All vessels that moor, dock, or otherwise use the permitted docking facility shall be maintained in a fully operational condition.

22. There shall be no boat repair facilities on any structure that is over the water.

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

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

25. The waterward corners of the docks 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.

26. The dock structures shall be inspected by the permittee at least once per year and shall be maintained in a functional condition for the life of the structures.

27. If the structures become abandoned, the permittee shall be responsible for submitting an application for a permit to remove the structure from sovereign submerged lands and shall be responsible for the subsequent removal of the structure.

28. To protect benthic and wetland resources when present, the elevation of the decking shall be maintained at a minimum of five feet above mean high for the life of the facility.

29. All future authorized replacement pilings for support of the docking structures shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

#### **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](mailto: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](mailto: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 Wade Dandridge at the letterhead address, at (850)595-0655, or at [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)

### EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr

Interim Director

EMO:wd

### Attachment:

Project Drawings and Design Specs., 8 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

### 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](mailto:Kim.Allen@FloridaDEP.gov)

Wade Dandridge, DEP, [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)

Department of Community Affairs, [Ray.Eubanks@deo.myflorida.com](mailto:Ray.Eubanks@deo.myflorida.com),  
[DCPPermits@deo.myflorida.com](mailto:DCPPermits@deo.myflorida.com)

Okaloosa County, [mmartinez@co.okaloosa.fl.us](mailto:mmartinez@co.okaloosa.fl.us), [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us),  
[sbitterman@co.okaloosa.fl.us](mailto:sbitterman@co.okaloosa.fl.us), [propertyappraiser@okaloosapa.com](mailto:propertyappraiser@okaloosapa.com)

City of Destin, [planning@cityofdestin.com](mailto:planning@cityofdestin.com), [LWitt@cityofdestin.com](mailto:LWitt@cityofdestin.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.



May 18, 2020

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date



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

June 30, 2020

Regulatory Division  
Pensacola Permits Section  
SAJ-2019-03226(SP-SWA)

Wayne Lung  
Heron's Nest, LLC.  
600 4th Street  
Destin, Florida 32541

Dear Mr. Lung:

The U.S. Army Corps of Engineers (Corps) is pleased to enclose the Department of the Army permit, which should be available at the construction site. Work may begin immediately but the Corps must be notified of:

- a. The date of commencement of the work,
- b. The dates of work suspensions and resumptions of work, if suspended over a week, and
- c. The date of final completion.

This information should be mailed to the Enforcement Section of the Regulatory Division of the Jacksonville District at [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil). The Enforcement Section is also responsible for inspections to determine whether Permittees have strictly adhered to permit conditions.

IT IS NOT LAWFUL TO DEVIATE FROM  
THE APPROVED PLANS ENCLOSED.

Sincerely,

A handwritten signature in cursive script, reading "Shawn H. Zinszer".

for

Shawn H. Zinszer  
Chief, Regulatory Division

Enclosures

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Wayne Lung  
Heron's Nest, LLC.  
600 4<sup>th</sup> Street  
Destin, Florida 32541

**Permit No:** SAJ-2019-03226 (SP-SWA)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The project is to construct a 32-slip commercial marina. The marina shall consist of the following structures: one 383-foot by 8-foot main access pier; one 171-foot by 9-foot terminal platform with a permeable wave fence constructed along the waterward face; six 30-foot by 4-foot finger piers; four 25-foot by 3-foot finger piers and four 21-foot by 3-foot finger piers, for a total of 5,869 square feet. An 86-foot by 8-foot section of the access pier that crosses over 106 square feet of submerged aquatic vegetation (SAV) shall be constructed of grated decking, elevated a minimum of four (4) feet above mean high water line (MHWL).

**Project Location:** The project will affect waters of the United States associated with Choctawhatchee Bay. The project site is located approximately 1.25 nautical miles north of East Pass at 105 and 109 Calhoun Avenue, Destin, Okaloosa County Florida.

**Directions to site:** From Destin, travel north on Calhoun Avenue from U.S. Highway 98 for approximately 0.20 mile. The project site is on the west side of the road along the shoreline of Choctawhatchee Bay.

**Approximate Central Coordinates:** Latitude: 30.398842°  
Longitude: -86.513781°

**Permit Conditions**

**General Conditions:**

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1. The time limit for completing the work authorized ends on **June 4, 2025**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

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 and the mailing address 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 representatives 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.

**Special Conditions:**

**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).

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b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2019-03226 (SP-SWA), on all submittals.

**2. Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attached).

**3. As-Built Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall submit as-built drawings of the authorized work and a completed "As-Built Certification By Professional Engineer" (attached) form to the Corps. The as-built drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint, as shown on the permit drawings, with transparent overlay of the work as constructed in the same scale as the permit drawings on 8½-inch by 11-inch sheets. The plan view drawing should show all "earth disturbance," including wetland impacts and water management structures.

b. A list of any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the attached "As-Built Certification By Professional Engineer" form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or "As-Built Certification By Professional Engineer" form does not constitute approval of any deviations by the Corps.

c. Include the Department of the Army permit number on all sheets submitted.

**4. Notice of Permit:** The Permittee shall complete and record the attached "Notice of Department of the Army Authorization" form with the Clerk of the Circuit Court, Registrar of Deeds or other appropriate official charged with the responsibility of maintaining records of title to or interest in real property within the county of the authorized activity. Within 90 days from the effective date of this permit, the Permittee shall provide a copy of the recorded Notice of Permit to the Corps clearly showing a stamp from the appropriate official indicating the book and page at which the Notice of Permit is recorded and the date of recording.

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**5. 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.

**6. 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.

**7. Project Design Criteria (PDCs) for In-Water Activities:** The Permittee shall comply with the attached National Marine Fisheries Service's "PDCs for In-Water Activities" dated November 20, 2017.

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

**9. Educational Signs:** 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](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:

a. 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.

b. 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.

**10. Monofilament Recycling Bins:** 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:

a. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.

b. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

**11. Lighting:** If lighting is necessary, then turtle-friendly lighting shall be installed. 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/>

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

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

**14. Sea Turtle and Smalltooth Sawfish Conditions:** The Permittee shall comply with the attached National Marine Fisheries Service's "Sea Turtle and Smalltooth Sawfish Construction Conditions" dated March 23, 2006.

**15. 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.

**16. 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,



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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.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)

( ) Section 404 of the Clean Water Act (33 U.S.C. 1344)

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413)

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2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

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c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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PERMITTEE: Heron's Nest, LLC.

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Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Wayne Lung  
(PERMITTEE)

6-12-2020  
(DATE)

Wayne Lung  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Shayne Hayes  
(DISTRICT ENGINEER)

30 June 2020  
(DATE)

for Andrew D. Kelly, Jr.  
Colonel, U.S. Army  
District Commander

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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 below.

\_\_\_\_\_  
(TRANSFEREE-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

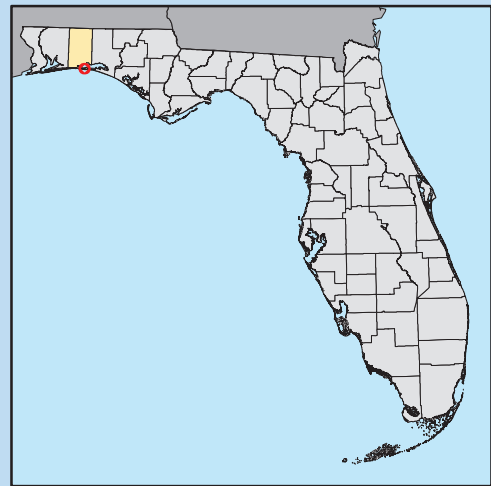
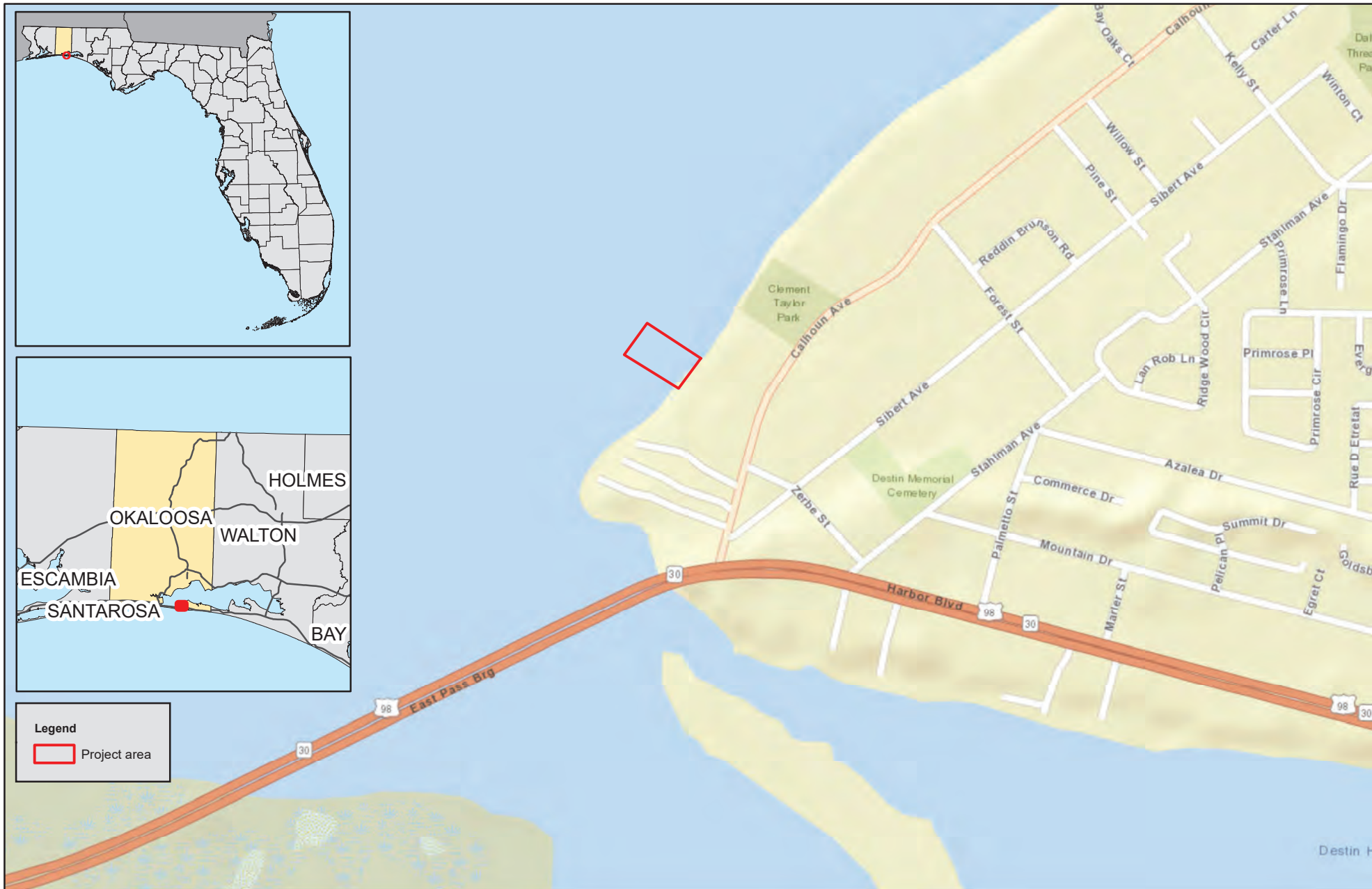
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\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

PERMIT NUMBER: SAJ-2019-03226  
PERMITTEE: Heron's Nest, LLC.  
PAGE 11 of 11

***Attachments to Department of the Army  
Permit Number SAJ-2019-03226***

1. PERMIT DRAWINGS: Nine (9) pages.
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. Thirteen (13) pages.
3. COMMENCEMENT NOTIFICATION FORM: One (1) page.
4. PRELIMINARY JURISDICTION FORM: Three (3) pages.
5. AS-BUILT CERTIFICATION FORM: Two (2) pages.
6. NOTICE OF PERMIT FORM: Two (2) pages.
7. PROJECT DESIGN CRITERIA (PDCs) FOR IN-WATER ACTIVITIES: Three (3) pages.
8. MANATEE CONDITIONS: One (1) page.
9. SEA TURTLE AND SMALLTOOTH SAWFISH CONDITIONS: One (1) page.



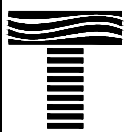
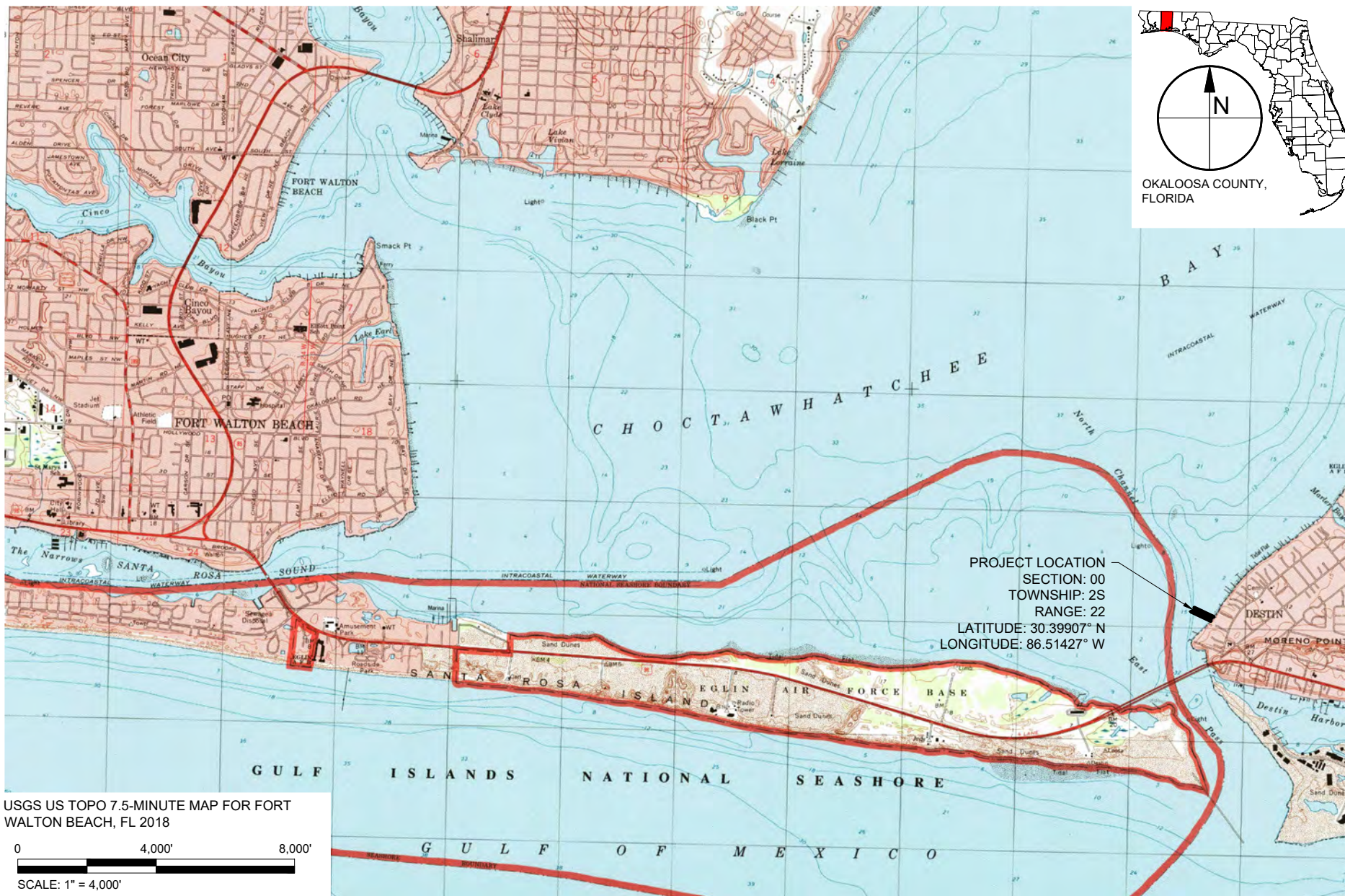
**Legend**

Project area



All data within this map are supplied as is, without warranty. This product has not been prepared for legal, engineering, or survey purposes. Users of this information should review or consult the primary data sources to ascertain the usability of the information.





# **TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 1  
LOCATION MAP  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 1 of 8    |
| DATE     | JULY 2019 |

SEAL

**DRAFT**

DUNCAN GREER P.E. #83306

DATE

# GENERAL NOTES:

- DRAWING REFERENCES FLORIDA STATE PLANE NORTH, NORTH AMERICAN DATUM OF 1983 (NAD83).
- ALL ELEVATIONS REFERENCE THE 1988 NORTH AMERICAN VERTICAL DATUM (NAVD88). ELEVATIONS IN FEET UNLESS NOTED OTHERWISE (U.N.O.).
- AERIAL IMAGERY OBTAINED FROM FDOT, OKALOOSA COUNTY (2016), U.N.O. AERIAL IMAGERY DISPLAYED HEREON FOR INFORMATIONAL PURPOSES ONLY. NO PHOTOGRAPHIC ACCURACY IS IMPLIED BY THESE MAPS.
- PARCEL BOUNDARIES, EXISTING SUBMERGED LAND LEASE BOUNDARY, AND MEAN HIGH WATER ELEVATION AND LOCATION PROVIDED BY RARE EARTH SURVEYING & MAPPING, FIELD DATE JUNE 1, 2017.
- BATHYMETRIC CONTOURS PROVIDED BY RARE EARTH SURVEYING & MAPPING, FIELD DATE FEBRUARY 23, 2011.
- CONSTRUCTION SHALL NOT VIOLATE STATE WATER QUALITY STANDARDS.
- SUBMERGED AQUATIC VEGETATION EXTENTS LOCATED BY ESA SCHEDA ON SEPTEMBER 13, 2018.
- NO LIVE-A-BOARDS ARE PROPOSED.
- NO FUELING FACILITIES OR SEWAGE PUMP-OUTS ARE PROPOSED AT THIS FACILITY.
- WATER, POWER, AND FIRE SUPPRESSION SYSTEMS NOT SHOWN FOR CLARITY.
- MATERIALS ARE SUBJECT TO CHANGE. PILE EMBEDMENT, DIMENSIONS, AND SPACING WILL BE DETERMINED DURING FINAL DESIGN.
- DOCK PILINGS WILL BE WRAPPED TREATED TIMBER OR OTHERWISE MADE FROM NON-LEACHING MATERIALS.
- TURBIDITY CURTAINS SHALL BE LOCATED AND REPOSITIONED BY THE CONTRACTOR USING BEST MANAGEMENT PRACTICES TO ASSURE WATER QUALITY STANDARDS ARE MAINTAINED THROUGHOUT CONSTRUCTION.

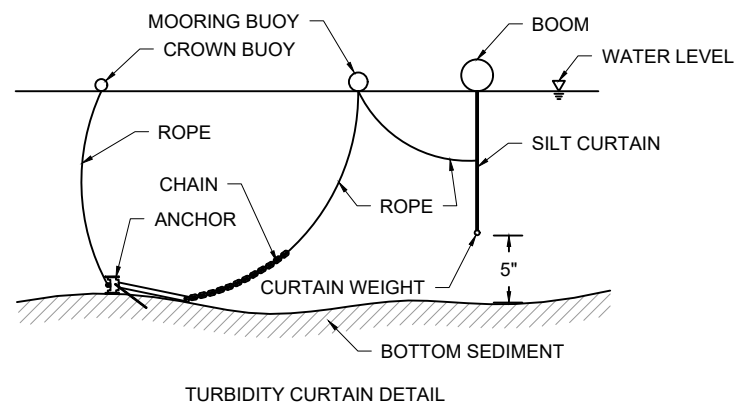
| SLIP SCHEDULE |           |                        |     |
|---------------|-----------|------------------------|-----|
| SLIP ID       | SLIP SIZE | USAGE                  | QTY |
| 1 - 5         | 25'       | PUBLIC                 | 5   |
| 6 - 9         | 30'       | COMMERCIAL             | 4   |
| 10 - 21       | 40'       | COMMERCIAL             | 12  |
| 22 - 25       | 30'       | COMMERCIAL             | 4   |
| 26 - 30       | 25'       | COMMERCIAL             | 5   |
| 31            | 137'      | TRANSIENT              | 1   |
| 32            | 35'       | WATER TAXI (TRANSIENT) | 1   |
| 33            | 25'       | COMMERCIAL             | 1   |

NOAA VDUTUM  
TIDAL DATUM REFERENCE  
LATITUDE: 30.39907° N  
LONGITUDE: 86.51427° W

MHHW ———— 0.690'  
MHW ———— 0.685'  
  
MTL ———— 0.440'  
  
MLW ———— 0.195'  
MLLW ———— 0.186'  
NAVD 88 ———— 0.000'

# PROPOSED DOCK PLAN:

- COMMERCIAL (PERMANENT) SLIPS
  - EXISTING: 2
  - PROPOSED INCREASE FROM EXISTING : 24
  - TOTAL PROPOSED COMMERCIAL SLIPS: 26
- PUBLIC MOORING SLIPS
  - EXISTING: 0
  - TOTAL PROPOSED PUBLIC SLIPS: 5
  - TOTAL PROPOSED TRANSIENT PUBLIC MOORING: 137 LF
- FIXED TIMBER DOCK AREA
  - EXISTING: 1,628 SF
  - PROPOSED INCREASE FROM EXISTING: 5,869 SF
  - TOTAL PROPOSED FIXED TIMBER DOCK AREA: 7,497 SF
- SOVEREIGN SUBMERGED LAND LEASE AREA
  - EXISTING: 0 S.F.
  - PROPOSED INCREASE FROM EXISTING: 29,400 S.F. (0.675 ACRES)
    - PARCEL #00-2S-22-0630-0000-1210 : 15,149 SF (0.348 ACRES)
    - PARCEL #00-2S-22-0630-0000-1211: 14,251 SF (0.327 ACRES)
  - TOTAL PROPOSED SOVEREIGN SUBMERGED LAND LEASE AREA: 29,400 S.F. (0.675 ACRES)



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 2  
GENERAL NOTES  
HERON'S NEST MARINA  
DESTIN, FLORIDA

PROJECT C2018-051  
DRAWN BY AF/CAS  
SHEET 2 of 8  
DATE JULY 2019

SEAL

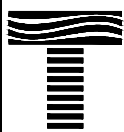
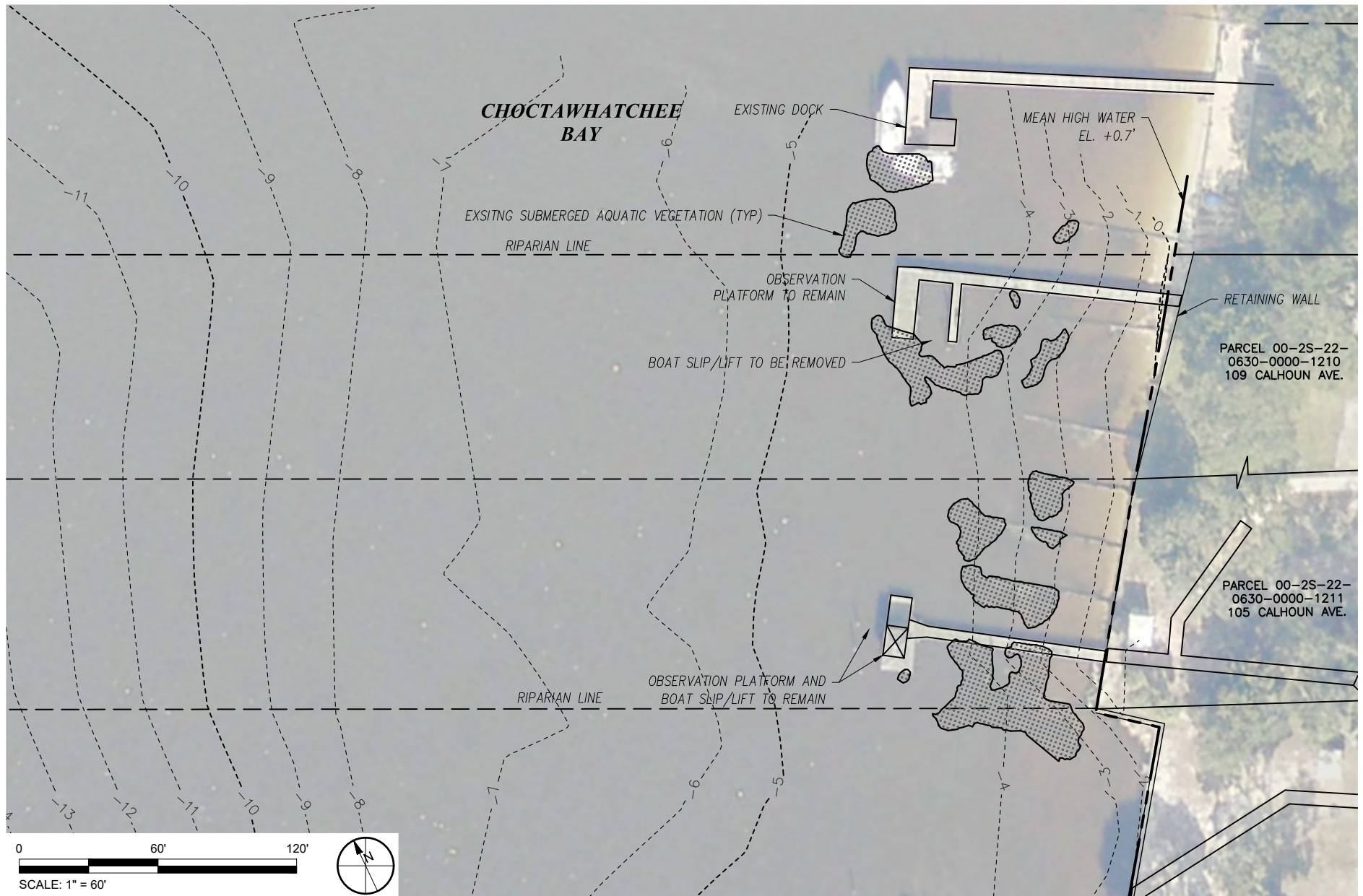
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DUNCAN GREER P.E. #83306

DATE



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## TAYLOR ENGINEERING INC.

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 3  
EXISTING SITE CONDITIONS  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 3 of 8    |
| DATE     | JULY 2019 |

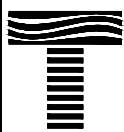
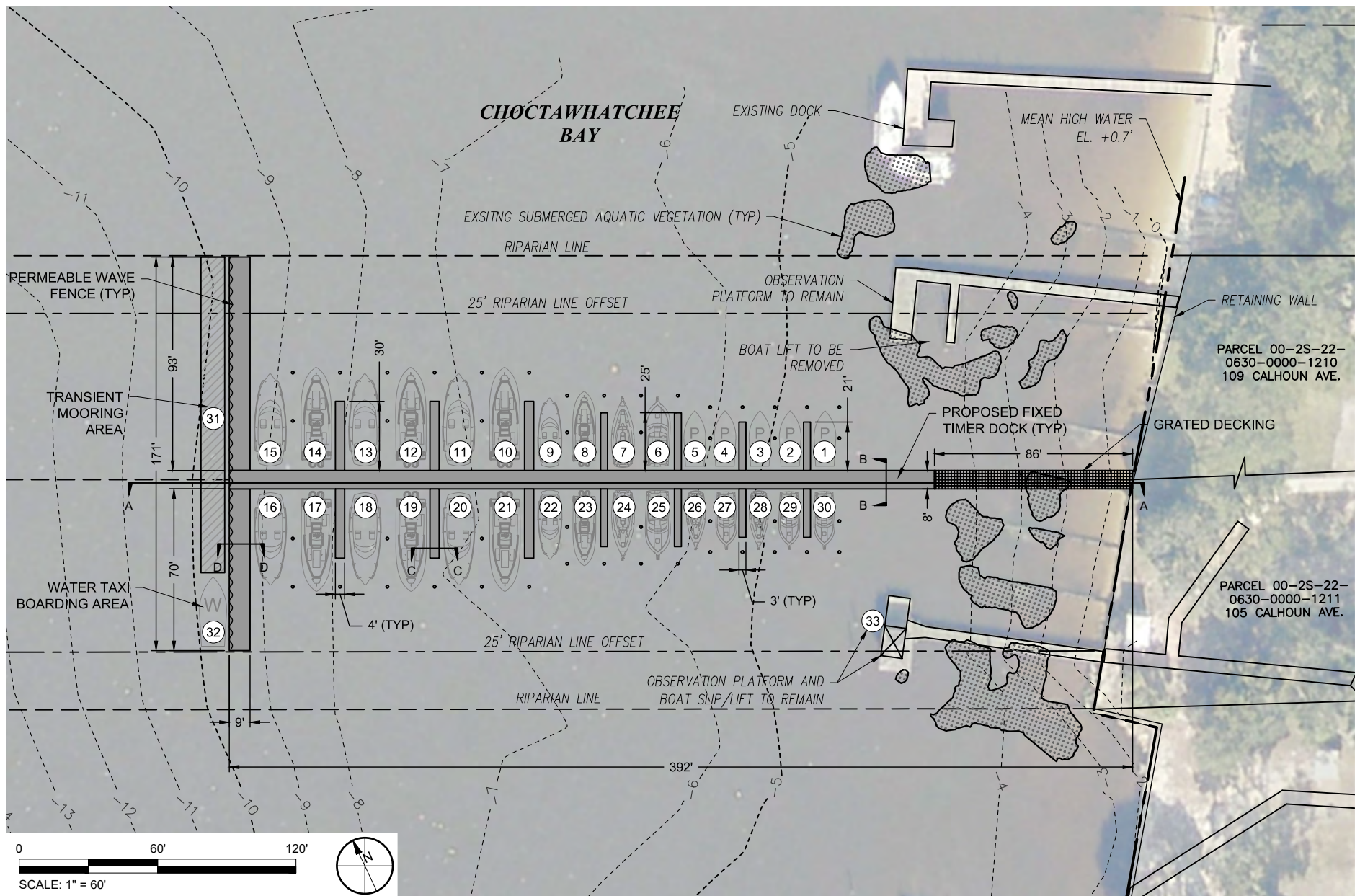
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DUNCAN GREER P.E. #83306

DATE

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# TAYLOR ENGINEERING INC.

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 4  
PROPOSED SITE PLAN  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 4 of 8    |
| DATE     | JULY 2019 |

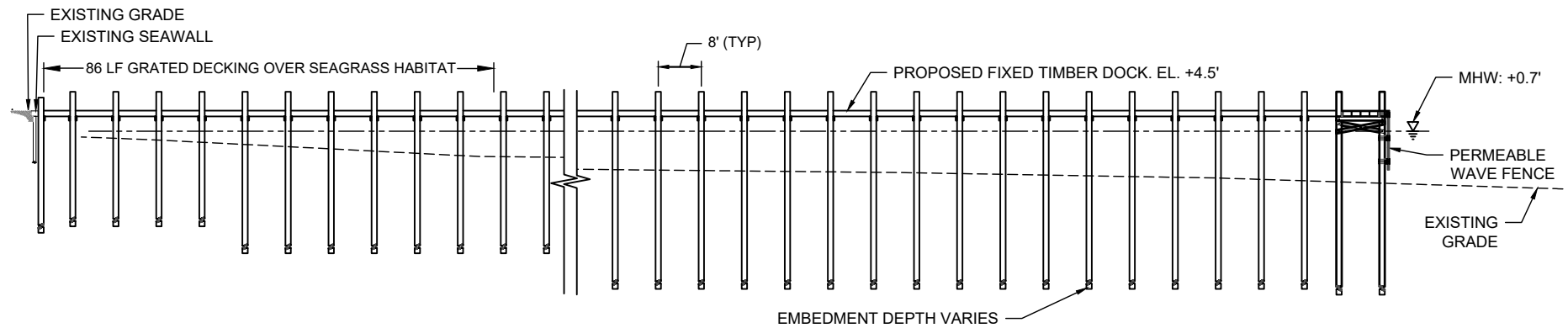
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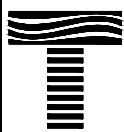
DUNCAN GREER P.E. #83306

DATE

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**A**  
**FIG 4 DOCK PROFILE**  
SCALE: 1" = 30' 0 30'



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 5  
DOCK PROFILE  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 5 of 8    |
| DATE     | JULY 2019 |

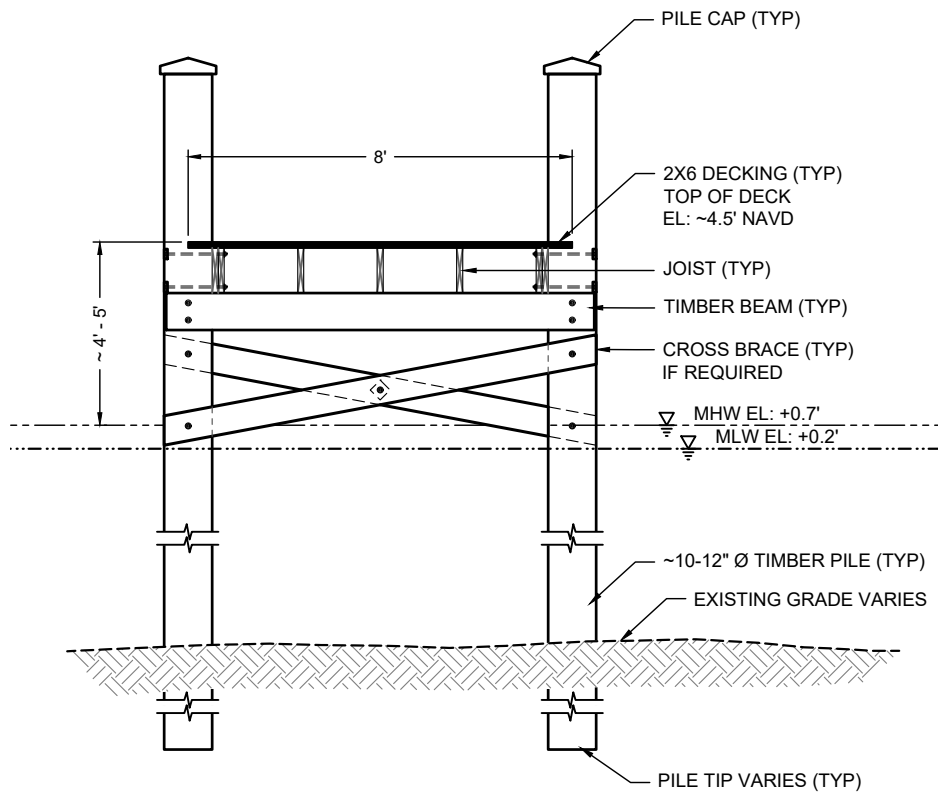
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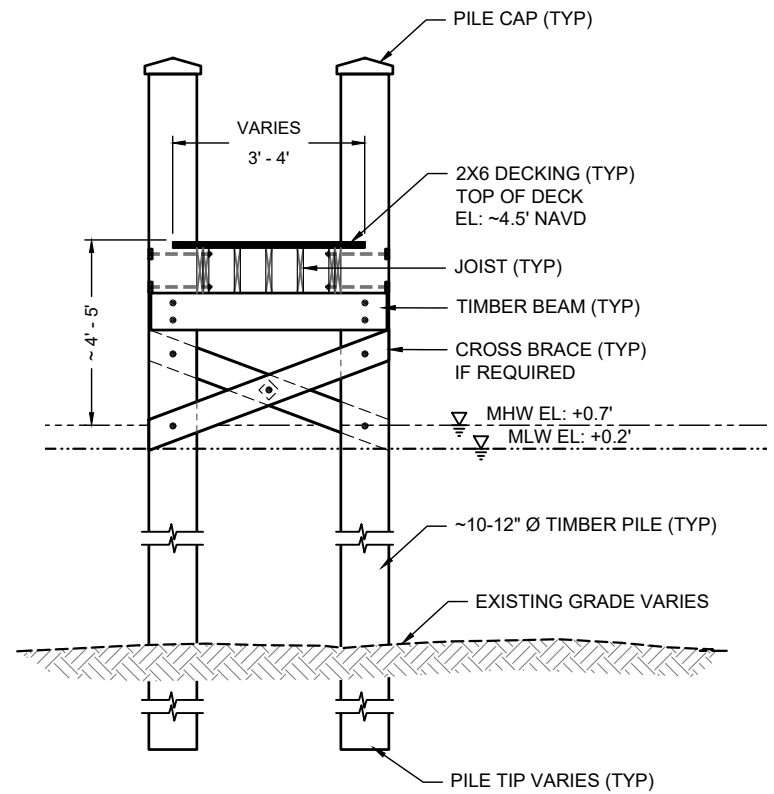
DUNCAN GREER P.E. #83306

DATE

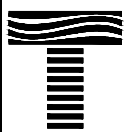
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**B**  
FIG 4  
TYPICAL DOCK SECTION  
SCALE: 1" = 4'  
0 4'



**C**  
FIG 4  
TYPICAL FINGER PIER SECTION  
SCALE: 1" = 4'  
0 4'



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 6  
TYPICAL DOCK SECTIONS  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 6 of 8    |
| DATE     | JULY 2019 |

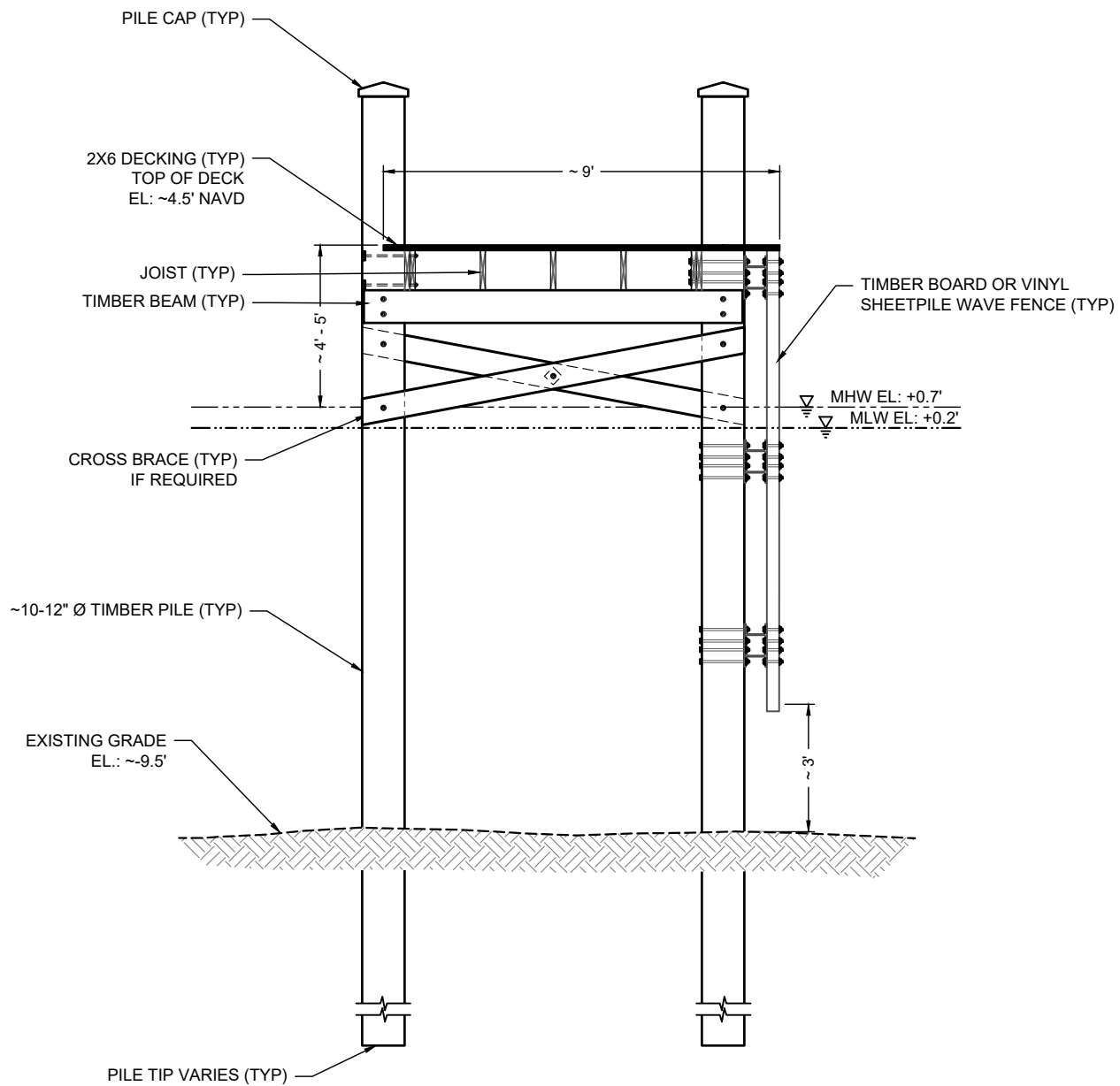
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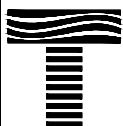
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DATE

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D PERMEABLE WAVE FENCE  
FIG 4 SCALE: 1" = 4'



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541

CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 7  
PERMEABLE WAVE FENCE  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|           |          |        |           |
|-----------|----------|--------|-----------|
| PROJECT   | DRAWN BY | SHEET  | DATE      |
| C2018-051 | AF/CAS   | 7 of 8 | JULY 2019 |

SEAL

**DRAFT**

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DATE



# CHOCTAWHATCHEE BAY

EXISTING DOCK

MEAN HIGH WATER  
EL. +0.7'

RIPARIAN LINE

25' RIPARIAN LINE OFFSET

OBSERVATION  
PLATFORM

RETAINING WALL

PARCEL 00-2S-22-  
0630-0000-1210  
109 CALHOUN AVE.

PROPOSED  
SOVEREIGN  
SUBMERGED LAND  
LEASE AREA:  
15,149 SF

PROPOSED  
SOVEREIGN  
SUBMERGED LAND  
LEASE AREA:  
14,251 SF

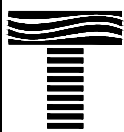
25' RIPARIAN LINE OFFSET

RIPARIAN LINE

OBSERVATION PLATFORM  
AND BOAT LIFT

PARCEL 00-2S-22-  
0630-0000-1211  
105 CALHOUN AVE.

0 60' 120'  
SCALE: 1" = 60'



**TAYLOR ENGINEERING INC.**

4300 LEGENDARY DRIVE  
SUITE C246  
DESTIN, FLORIDA 32541  
CERTIFICATE OF AUTHORIZATION # 4815

FIGURE 8  
PROPOSED SOVEREIGN SUBMERGED LAND LEASE BOUNDARY  
HERON'S NEST MARINA  
DESTIN, FLORIDA

|          |           |
|----------|-----------|
| PROJECT  | C2018-051 |
| DRAWN BY | AF/CAS    |
| SHEET    | 8 of 8    |
| DATE     | JULY 2019 |

SEAL

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DUNCAN GREER P.E. #83306

DATE



# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

## **Permittee/Authorized Entity:**

Heron's Nest, LLC  
c/o Wayne Lung  
600 4<sup>th</sup> Street  
Destin, Florida 32541, Okaloosa County  
[WLung@embarqmail.com](mailto:WLung@embarqmail.com)

## **Heron's Nest Marina**

## **Authorized Agent:**

Duncan Greer  
4300 Legendary Drive, Suite C246  
Destin, Florida 32541  
[DGreer@taylorengineering.com](mailto:DGreer@taylorengineering.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.: 0317602-002-EI/46  
Lease File No.: 460355891

**Permit Issuance Date: May 18, 2020**  
**Permit Construction Phase Expiration Date: May 18, 2025**

# **Consolidated Environmental Resource Permit and Sovereignty Submerged Lands Authorization**

**Permittee/Grantee: Heron's Nest, LLC**  
**Permit No: 0317602-002-EI/46**

## **PROJECT LOCATION**

The activities authorized by this permit and sovereignty submerged lands authorization are located at 105 and 109 Calhoun Ave, Destin, Florida 32541, Parcel IDs 00-2S-22-0630-0000-1210 and 00-2S-22-0630-0000-1211, in Section 00, Township 02 South, Range 22 West in Okaloosa County, at 30°23'55.72" North Latitude, 86°30'49.18" West Longitude.

## **PROJECT DESCRIPTION**

The permittee is authorized to construct a new 33-slip commercial marina. The marina facility will be constructed in addition to two existing piers and will include a designated water-taxi slip. Handrails and "No Mooring" signs will be installed adjacent to the areas not authorized for mooring on all three piers and the existing mooring pilings will be removed. The project is located within Choctawhatchee Bay, a Class II Florida Waterbody, Prohibited Shellfish Harvesting Area. Those activities include the preemption of 29,299 square feet of state-owned sovereignty submerged lands. Authorized activities are depicted on the attached exhibits.

## **AUTHORIZATIONS** **Heron's Nest Marina**

### 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. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the appropriate form of proprietary authorization is a lease. Based on the information submitted, we have begun processing your application to use sovereign submerged lands (460355891). Please contact Wade Dandridge at (850)595-0655 for additional information.

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 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 federal application form (ENG 4345). More information about Corps permitting may be found online in the Jacksonville District Regulatory Division Sourcebook. **Failure to obtain Corps authorization prior to construction could subject you to federal enforcement action by that agency.**

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 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 West Government St, Suite 308, Pensacola, FL 32502.

#### **SPECIFIC CONDITIONS – PRIOR TO ANY CONSTRUCTION**

4. All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain onsite at all times during the activities.
5. Prior to the initiation of any work authorized by this permit, floating turbidity screens with weighted skirts that extend to within 1 ft. 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.
6. The existing mooring pilings located at the facility outside the Sovereign Submerged Lands Lease area shall be removed.

#### **SPECIFIC CONDITIONS – CONSTRUCTION ACTIVITIES**

7. Best management practices for erosion control shall be implemented and 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 are not limited to the use of staked hay bales, staked filter cloth, sodding, seeding, and mulching; staged construction; and the installation of turbidity screens around the immediate project site.
8. This permit does not authorize the construction of any additional structures not illustrated on the permit drawings. Examples of additional structures include but are not limited to walkways, awnings, enclosed sides and covers over slip areas, finger piers, step-down stairs, storage closets and decking.
9. 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.

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

11. Construction equipment shall not be repaired or refueled in wetlands or elsewhere within waters of the state.

12. Pilings within areas containing seagrasses shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

13. To protect benthic and wetland resources when present, the elevation of the decking shall be a minimum of five feet above mean high water. The section of the access pier that traverses seagrasses shall be constructed of grated decking.

14. Mooring is prohibited along both sides of the access pier and along the waterward face of dock structures adjacent to non-leased Sovereign Submerged Lands. Handrails shall be constructed to eliminate access by boaters, installed concurrently with dock construction, and shall be maintained for the life of the facility. "No Mooring" signs shall be posted along the waterward face of dock structures in these areas. The signs must be installed prior to occupancy.

15. Any damage to wetlands or surface waters 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.

16. 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.

#### **SPECIFIC CONDITIONS – OTHER LISTED SPECIES**

17. 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](mailto:FWCConservationPlanningServices@MyFWC.com).

#### **SPECIFIC CONDITIONS – OPERATION AND MAINTENANCE ACTIVITIES**

18. Waterborne craft moored over sovereign submerged lands at the docking facility, on either a temporary or permanent basis, shall not extend beyond the limits of the sovereignty submerged land lease. The slip sizes shown on the attached permit drawings and on the survey to be attached to the sovereignty submerged land lease indicate a length over all (LOA) for the slips designated. The permittee shall take all measures necessary to ensure all boats moored over sovereign

submerged lands at the docking facility are completely within the limits of the submerged land lease.

19. Boat maintenance or repair activities requiring removal of a vessel from the water, or removal of any major portions of the vessel, including the engine, for purposes of routine repair or maintenance on site, shall be prohibited for the life of the facility, except where removal is necessitated by emergency conditions which have resulted in or can result in the sinking of a vessel. Specifically prohibited shall be hull painting, and any discharges or release of oils or greases associated with engine and hydraulic repairs, and related metal-based bottom paints associated with hull scraping, cleaning, and painting.

20. In-the water hull scraping and any abrasive process is prohibited at the authorized facility. In-the-water soft cleaning with brushes, sponges, or towels is approved at the authorized facility. The use of detergents during soft cleaning is prohibited at the authorized facility.

21. All vessels that moor, dock, or otherwise use the permitted docking facility shall be maintained in a fully operational condition.

22. There shall be no boat repair facilities on any structure that is over the water.

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

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

25. The waterward corners of the docks 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.

26. The dock structures shall be inspected by the permittee at least once per year and shall be maintained in a functional condition for the life of the structures.

27. If the structures become abandoned, the permittee shall be responsible for submitting an application for a permit to remove the structure from sovereign submerged lands and shall be responsible for the subsequent removal of the structure.

28. To protect benthic and wetland resources when present, the elevation of the decking shall be maintained at a minimum of five feet above mean high for the life of the facility.

29. All future authorized replacement pilings for support of the docking structures shall be spaced at least ten feet apart and shall be installed by vibrating, pounding or hand-auguring them in place. Jetting of pilings within seagrass areas shall be prohibited.

#### **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](mailto: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](mailto: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 Wade Dandridge at the letterhead address, at (850)595-0655, or at [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)

### EXECUTION AND CLERKING

Executed in Pensacola, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth Mullins Orr

Interim Director

EMO:wd

### Attachment:

Project Drawings and Design Specs., 8 pages

Copies of 62-330 forms may be obtained at: <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/forms-environmental-resource>

### 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](mailto:Kim.Allen@FloridaDEP.gov)

Wade Dandridge, DEP, [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)

Department of Community Affairs, [Ray.Eubanks@deo.myflorida.com](mailto:Ray.Eubanks@deo.myflorida.com),  
[DCPPermits@deo.myflorida.com](mailto:DCPPermits@deo.myflorida.com)

Okaloosa County, [mmartinez@co.okaloosa.fl.us](mailto:mmartinez@co.okaloosa.fl.us), [jautrey@co.okaloosa.fl.us](mailto:jautrey@co.okaloosa.fl.us),  
[sbitterman@co.okaloosa.fl.us](mailto:sbitterman@co.okaloosa.fl.us), [propertyappraiser@okaloosapa.com](mailto:propertyappraiser@okaloosapa.com)

City of Destin, [planning@cityofdestin.com](mailto:planning@cityofdestin.com), [LWitt@cityofdestin.com](mailto:LWitt@cityofdestin.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.



May 18, 2020

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

## **COMMENCEMENT NOTIFICATION**

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto: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-2019-03226 (SP-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



**PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM  
(RGL 16-01 Appendix 2)**

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR PJD:** 13 SEP 2019

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

Wayne Lung  
Heron's Nest, LLC.  
600 4<sup>th</sup> Street  
Destin, Florida 32541

**C. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Jacksonville District;  
Heron's Nest, LLC; SAJ-2019-03226.

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

**State:** FL                      **County:** Okaloosa                      **City:** Mary Esther  
**Center Coordinates: Latitude:** 30.398842°    **Longitude:** -86.513781°  
**Name of nearest waterbody:** Choctawhatchee Bay

**E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: 13 SEP 2019

☐ Field Determination. Date(s):

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE"  
SUBJECT TO REGULATORY JURISDICTION.**

| Site number | Latitude<br>(decimal<br>degrees) | Longitude<br>(decimal<br>degrees) | Estimated amount<br>of aquatic<br>resource in review<br>area (acreage and<br>linear feet, if<br>applicable) | Type of aquatic<br>resource (i.e.<br>wetland vs. non-<br>wetland waters) | Geographic authority to<br>which the aquatic<br>resource "may be"<br>subject (i.e. Section 404<br>or Section 10/404) |
|-------------|----------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 1           | 30.398842°                       | -86.513781°                       | 5,869 ft <sup>2</sup>                                                                                       | Bay Bottom &<br>Surface Waters                                           | 10                                                                                                                   |
|             |                                  |                                   |                                                                                                             |                                                                          |                                                                                                                      |
|             |                                  |                                   |                                                                                                             |                                                                          |                                                                                                                      |
|             |                                  |                                   |                                                                                                             |                                                                          |                                                                                                                      |

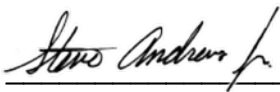
- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) that the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as is practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: \_\_\_\_\_
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: \_\_\_\_\_.
- ☐ Corps navigable waters' study: \_\_\_\_\_.
- ☐ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.  
☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.
- ☐ Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- ☐ National wetlands inventory map(s). Cite name: \_\_\_\_\_.
- ☐ State/Local wetland inventory map(s): \_\_\_\_\_.
- ☐ FEMA/FIRM maps: \_\_\_\_\_.
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth (current).  
or ☐ Other (Name & Date): \_\_\_\_\_.
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- ☒ Other information (please specify): The project site is within Choctawhatchee Bay which is a TNW and is navigable in-fact.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

 13 SEP 2019  
Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

## **AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER**

*Within sixty (60) days of completion of the authorized work, submit this form and one set of as-built engineering drawings via electronic mail to [saj-rd-enforcement@usace.army.mil](mailto:saj-rd-enforcement@usace.army.mil) (preferred, but 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. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-3131.*

1. Department of the Army Permit Number: SAJ-2019-03226 (SP-SWA)

2. Permittee Information:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

3. Project Site Identification (physical location/address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

4. As-Built Certification: I hereby certify that the authorized work, including any mitigation required by Special Conditions to the permit, has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (*Please type*)

\_\_\_\_\_  
(FL, PR, or VI) Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP

(Affix Seal)

\_\_\_\_\_

\_\_\_\_\_

Date

Telephone Number

Date Work Started: \_\_\_\_\_ Date Work Completed: \_\_\_\_\_

Identify any deviations from the approved permit drawings and/or special conditions (attach additional pages if necessary):

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Prepared by:

Permittee: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

### **NOTICE OF DEPARTMENT OF THE ARMY AUTHORIZATION**

**TAKE NOTICE** the United States Army Corps of Engineers (Corps) has issued a permit or verification SAJ-2019-03226 to Wayne Lung/Heron's Nest, LLC (Permittee) on June 4, 2020, authorizing work in navigable waters of the United States in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C 403) on a parcel of land known as Folio/Parcel ID: \_\_\_\_\_ located at 105 and 109 Calhoun Avenue, Latitude: 30.398842°; Longitude: -86.513781°, Destin, Okaloosa County, Florida.

Within 30 days of any transfer of interest or control of said property, the Permittee must notify the Corps in writing of the property transfer by submitting the completed permit transfer page included with the issued permit or verification. The subject permit or verification concerns only that portion of the property determined to fall within the jurisdiction of the Corps and this notice is applicable only to those portions of the subject property in, over, under, or affecting navigable waters of the United States.

**Conditions of the Permit/Verification:** The permit or verification is subject to General Conditions and Special Conditions which may affect the use of the work authorized in Choctawhatchee Bay. Accordingly, interested parties should closely examine the entire permit or verification, all associated applications, and any subsequent modifications.

To obtain a copy of the authorization in its entirety submit a written request to:  
U.S. Army Corps of Engineers  
Regulatory Division - Special Projects & Enforcement Branch  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

Questions regarding compliance with these conditions should be directed to:  
U.S. Army Corps of Engineers  
Enforcement Section  
Post Office Box 4970  
Jacksonville, Florida 32232-0019

### **Conflict Between Notice and Permit**

This Notice of Authorization is not a complete summary of the issued permit or verification. Provisions in this Notice of Permit shall not be used in interpreting the permit or verification provisions. In the event of conflict between this Notice of Permit and the permit or verification, the permit or verification shall control.

**This Notice is Not an Encumbrance**

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

**Release**

This Notice may not be released or removed from the public records without the prior written consent of the Corps.

This Notice of Authorization is executed on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_. This document is being submitted for recordation in the Public Records of Okaloosa County, Florida as part of the requirement imposed by the authorization SAJ-2019-03226 issued by Corps.

Permittee:

\_\_\_\_\_

Address:

\_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, who is personally known to me or has produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public (seal)

\_\_\_\_\_  
Print

My Commission Expires \_\_\_\_\_



**U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological  
Opinion (JaxBO) Project Design Criteria (PDCs) for In-Water Activities**

**November 20, 2017**

- 1) **(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](http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html)
- 2) **(AP.8.) Reporting** of 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](mailto:takereport.nmfs@noaa.gov) and [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil).
  - b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email [Sawfish@MyFWC.com](mailto:Sawfish@MyFWC.com)
  - c) Sturgeon: Report dead sturgeon to 1-844-STURG 911 (1-844-788-7491) or email [nmfs.ser.sturgeonnetwork@noaa.gov](mailto: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.
- 3) **(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.

- 4) **(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 cableline). 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.
- 5) **(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.

**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](mailto:ImperiledSpecies@myFWC.com)



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
Southeast Regional Office  
263 13th Avenue South  
St. Petersburg, FL 33701

## **SEA TURTLE AND SMALLTOOTH SAWFISH CONSTRUCTION CONDITIONS**

The permittee shall comply with the following protected species construction conditions:

- a. The permittee shall instruct all personnel associated with the project of the potential presence of these species and the need to avoid collisions with sea turtles and smalltooth sawfish. All construction personnel are responsible for observing water-related activities for the presence of these species.
- b. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing sea turtles or smalltooth sawfish, which are protected under the Endangered Species Act of 1973.
- c. Siltation barriers shall be made of material in which a sea turtle or smalltooth sawfish cannot become entangled, be properly secured, and be regularly monitored to avoid protected species entrapment. Barriers may not block sea turtle or smalltooth sawfish entry to or exit from designated critical habitat without prior agreement from the National Marine Fisheries Service's Protected Resources Division, St. Petersburg, Florida.
- d. All vessels associated with the construction project shall operate at "no wake/idle" speeds at all times while in the construction area and while in water depths where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will preferentially follow deep-water routes (e.g., marked channels) whenever possible.
- e. If a sea turtle or smalltooth sawfish is seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure its protection. These precautions shall include cessation of operation of any moving equipment closer than 50 feet of a sea turtle or smalltooth sawfish. Operation of any mechanical construction equipment shall cease immediately if a sea turtle or smalltooth sawfish is seen within a 50-ft radius of the equipment. Activities may not resume until the protected species has departed the project area of its own volition.
- f. Any collision with and/or injury to a sea turtle or smalltooth sawfish shall be reported immediately to the National Marine Fisheries Service's Protected Resources Division (727-824-5312) and the local authorized sea turtle stranding/rescue organization.
- g. Any special construction conditions, required of your specific project, outside these general conditions, if applicable, will be addressed in the primary consultation.

Revised: March 23, 2006

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**EMERALD  
COAST  
PERMITTING**  
INCORPORATED

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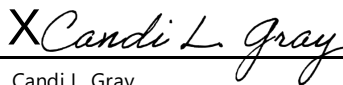
September 13, 2022

**City of Destin – Community Development**  
4100 Indian Bayou Trail  
Destin, FL 32541

Attn: Sae More  
Planner

Re: **109 & 105 Calhoun Avenue – Dock Extension – COST ESTIMATE**  
**Harbor & Waterways Board Approval - (HWB-000851-2022)**  
**Destin, FL**

**On behalf of applicant Heron's Nest, LLC, please consider this our statement of COST ESTIMATE: \$283,777.00.**



Candi L. Gray  
President



# Community Development Planning Division

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

September 16, 2022

**Subject: Notification of Application Submittal – Commercial Marine Construction –105 and 109 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 commercial docking facility, comprising approximately 5,869 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, September 26, 2022.** As an owner of property located adjacent of this project, **Section 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. Please provide any feedback (positive or negative) to Staff at [planning@cityofdestin.com](mailto:planning@cityofdestin.com). Citizens are also encouraged to attend the public hearing at the date/time listed above.**

1. Name of Owner: Wayne Lung of Heron's Nest LLC
2. Name of Agent: Candi Gray of Emerald Coast Permitting, Inc.
3. Address of Project: 105 and 109 Calhoun Avenue
4. Parcel ID Number: 00-2S-22-0630-0000-1211 and 00-2S-22-0630-0000-1210
5. Project Description: Construction of a 25-slip commercial marina consisting of one (1) 392' x 8' access pier, one (1) 171' x 9' terminal platform, six (6) 30' x 4' finger piers, four (4) 25' x 3' finger piers, and two (2) 21' x 3' finger piers, comprising a of total ±5,821 square feet. The marina is also proposing to provide a Water Taxi Boarding Area and Transient Mooring Area.
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](mailto:planning@cityofdestin.com).

Sincerely,

*Sae More*

Sae More  
Planner





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

