

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JULY 16, 2018
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 Chatham Morgan
Councilmember Parker Destin
Councilmember Cyron Marler

Councilmember Tuffy Dixon
Councilmember Rodney Braden
Councilmember Prebble Ramswell
Councilmember Skip Overdier

Destin City Staff

City Manager Carisse LeJeune
Community Dev Director Jennifer Bryla
Deputy City Manager Steve Schmidt
Parks & Recreation Director Lance Johnson
Public Information Manager Doug Rainer
Use Attorney Kimberly Kopp

Deputy City Clerk Kim Montgomery
HR Manager Karen Jankowski
IT Manager Webb Warren
Finance Director Bragg Farmer
City Attorney Jeffrey Burns

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM.

AGENDA APPROVAL

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to move agenda item 4G - *Third Amendment to City Manager's Employment Agreement* – up for discussion before the approval of the minutes passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted “yes”).

Motion by Councilmember Destin, seconded by Councilmember Marler, to continue agenda item 4F – *Library Director Confirmation* – to the next meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted “yes”).

Motion by Councilmember Ramswell, seconded by Councilmember Destin, to add “*Consideration by the City Council of a settlement agreement in the floodplain code enforcement cases*” under the Land Use Attorney portion of the agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted “yes”).

Next item discussed was agenda item 4G – *Third Amendment to City Manager's Employment Agreement*.

1. APPROVAL OF MINUTES

- A. Approval of minutes of June 28, 2018 special city council meeting
- B. Approval of minutes of June 18, 2018 regular city council meeting
- C. Approval of minutes of June 13, 2018 special city council meeting
- D. Approval of minutes of June 4, 2018 city council executive session

Councilmember Braden moved to approve meeting minutes as listed above; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS/ ANNOUNCEMENTS

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

Ms. Teresa Hebert, Chair of the Parks and Recreation Committee, addressed the issue relating to the decision to put in abeyance the 90% plan for Clement Taylor Park. She stated that the grant money for the construction of the park has already been set aside. She also stated that the committee wants to know the reason they were not included in the discussion to add a new fire station boat lift in the park plan.

Councilmember Dixon stated that nothing has been approved with regards to the park. They are delaying the decision to allow the fire district time to have some input on where they intend to locate the new fire station.

Ms. Hebert noted that State Legislature allows a grant for a public park; and that to put in a fire station boat lift takes away that grant funding and makes it no longer a free park for the City of Destin. She asked that the Parks and Recreation Committee be included in the discussion on this issue.

Councilmember Destin stated that it was never the Council's intention to keep the committee in the dark about this issue. He encouraged the committee to coordinate closely with both the Land Use Attorney and City Attorney who are looking into legal matters as they relate to the park.

Councilmember Braden agrees this issue needs to come before the Parks and Recreation Committee.

Mr. Steve Menchel, a Destin resident, noted that the Council recently amended Resolution 17-24, *Rules and Procedures for Council Meetings*, and adopted Resolution 18-15. The purpose of the revision is to "*create efficiencies and streamline the City Council process, afford shorter meetings, making them more attractive for citizens to attend and allow for greater public participation and resolutions of concerns to an efficient public process.*" He stated that the change takes away the right of the citizens that attend the entire City Council meeting, with no intention of speaking, but based on something that transpires during the course of the meeting, decide to speak at the end during the public comments portion of the agenda. He also stated that taking away the public's right to speak at the end of the meeting has had little to no

impact on the length of the Council meetings. He asked the Council to reconsider reinstating the Comments from the Audience portion of the agenda giving the public the opportunity to speak at the end of the meeting if they so desire.

Mr. Menchel would also like to get some information regarding the current protocol and procedures for code enforcement if there were any parking and noise issue at night.

The Mayor stated that they could discuss this issue at the next Council meeting. Staff could also post something on line that informs the average citizen with code enforcement issue who to call and when to call to report the violation.

4. CITY MANAGER REPORTS

A. Medical & Ancillary Benefit Renewals

The Human Resources Manager Karen Jankowski explained the employee ancillary benefits (dental, vision, disability, indemnity and life) through Guardian as well as the employee health benefits that have been provided by Blue Cross Blue Shield/Florida Blue as outlined in the staff report.

Councilmember Ramswell moved to authorize the City Manager to renew existing ancillary benefits with Guardian and to accept Florida Blue's proposal of PPO Plan 05904, with its companion Health Savings Account Plan to be effective September 1, 2018; seconded by Councilmember Marler.

Councilmember Braden asked about the deductible amount for the plan.

Mr. David Barton, the City's Medical and Ancillary Benefit consultant, replied the deductible is \$2500. It is an 80 percent co-insurance plan, with a maximum out-of-pocket of \$6,000.

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

B. Transmittal of required 2017 Biennial Transportation District Monitoring Report

The City Manager explained that the transportation element of the City's Comprehensive Plan provides goals, objectives and policies for continued implementation of the Multi-Modal Transportation District (MMTD) within the City. The City conducts a traffic count study during peak season each year; and that they are required to submit a Transportation District Monitoring Report every other year.

Councilmember Ramswell moved to accept the Biennial Multi-Modal Transportation District Monitoring Report and authorize staff to send it to the appropriate reviewing agencies. Councilmember Marler provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

C. City Manager Search & Recruitment Process

Human Resources (HR) Manager Karen Jankowski explained the following options for securing the services of a full-time City Manager.

- Internal Recruitment – This option requires the HR Manager to devote a lot of time to the process involving advertising initial screening, evaluating, in-depth screening, reference checks, interviewing and recommending candidates to the Council
 - ❖ Advantages – Cost. Although there are costs associated with advertising and background investigations, approximately \$3,000 to \$7,000, cost savings may be obtained by utilizing free job postings through such agencies as the Florida League of Cities and Florida City and County Management Association
 - ❖ Disadvantages – Time to fill will most likely be protracted. Limited applicant pool. Lack of first-hand information of candidates making “good fit” difficult
- Search Committee – This option requires that Council appoints a search committee that has global knowledge of the need of the City, Council’s desires in a candidate and has knowledge of the staff and organization
 - ❖ Advantages – Cost. The cost involved is somewhat the same as those incurred by internal recruitment
 - ❖ Disadvantages – Time to fill is most likely greater than that of internal recruitment due to the added coordination requirements involved with a committee. Limited applicant pool. Likely requires heavy time expenditure of Mayor and Council.
- Search Consultant Firms – This option requires the selection of a professional search firm. This alternative was utilized by the City to recruit in 2011
 - ❖ Advantages – Professional search firms have resumes on file and offer greater knowledge of the candidate pool. Many prospects are personally known by consultants and remain in contract. Consultants can professionally assess the needs of the City and that of the City Council
 - ❖ Disadvantages – Cost (estimated between \$18,000 to \$25,000)
- Senior Advisor Program (FCCMA/ICMA) – The FCCMA and ICMA jointly offer senior advisors who are counselors to local governments with a council-manager or commission-manager form of government. Retired managers assist the council with designing the right advertisement. Senior advisors continue to offer counseling services after the new manager is placed
 - ❖ Advantages – Cost. The cost involved is somewhat the same as those incurred by internal recruitment
 - ❖ Disadvantages – Limited applicant pool. Will likely require more time of Mayor and City Council.

Councilmember Overdier noted that he has spoken to a Mr. Buzz Eddy, a senior advisor for FCCMA, and a former City Manager for the City of Gulf Breeze. Mr. Eddy is highly recommended. He has 35 years’ experience in city and county management field. With regards to this program, FCCMA senior advisors can come to the City and provide recruiting assistance to the City at no cost to the City. They could also assist the City in finding an interim city

manager prior to hiring a full-time city manager, since they only have less than a month before Ms. Lejeune's term with the City expires. He further stated this is not an easy process and they should take as much time as necessary to find the right person to serve as City Manager. He recommends contacting FCCMA and inviting Mr. Eddy to attend the next Council meeting and discuss the process involved in this program.

Councilmember Destin stated that he supports Councilmember Overdier's recommendation and suggests scheduling a special meeting to further discuss this matter prior to their next regularly scheduled Council meeting.

The City Attorney noted that the Mayor or three Council members can call a special meeting.

The City Manager stated that Ms. Jankowski, as the City's HR Manager, can reach out to FCCMA and Mr. Eddy.

D. Establishment of the FY2019 Tentative Millage Rate and Budget Public Hearing Dates

According to the City's Finance Director Bragg Farmer, they received the tentative value rate which came in at \$5,035,622,039, which is a 6.42% over the last calendar year. They have to set the millage rate tonight as a tentative rate, after which they can decrease but not increase this rate. He also noted that by statute, the City must hold public hearings on the budget and the City's meeting may not be on the same date as that of Okaloosa County Board of Commissioners or the Okaloosa County School Board.

Councilmember Overdier moved that Council set the tentative millage rate for ad-valorem taxes at 1.6150 mills which is more than the rollback rate of 1.5520 mills and confirm the date and times of the public hearings for the Fiscal Year 2019 Budget on September 5th and 17th, 2018 at 6:00 PM. Councilmember Dixon provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

E. City Council Approval of the 2018 Annual Transportation Concurrency Analysis Scope Of Services

Community Development Director Jennifer Bryla explained that the objective of this effort is to document existing conditions and monitor the operating conditions of the City's vehicular segments. Reporting the City's multimodal condition is a continuing exercise for the City and is included in the scope of services from both of the City's consulting firms. Staff has requested Scope of Work Proposals/Costs from both of the City's continuing services provider for Planning and Transportation Planning Services. The costs submitted by the RPG firm came in at a much higher rate than that of the 3TP Ventures' rate; and so staff recommends securing the services of 3TP Ventures.

Councilmember Braden inquired as to the difference between the two rates; to which Ms. Bryla replied approximately \$8,000 separation.

Councilmember Overdier moved to accept the Scope of Services for the 2018 Annual Transportation Concurrency Analysis with 3TP Ventures and contract for the traffic counts in Fiscal Year 2018 for \$8,244 and budget for the additional services of \$24,425 in for Fiscal Year 2019; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

F. Library Director Confirmation

This item was pulled from the agenda and will be continued to the August 6, 2018 Council meeting.

G. Third Amendment to City Manager's Employment Agreement

The City Attorney Jeff Burns noted that this employment agreement was prepared by the City Manager Carisse LeJeune's attorney. He has reviewed and made minimal changes by adding some clarifications to the document. He explained that the additional weeks of payment to the City Manager would not include retirement contribution, but they are for both the non-compete and mutual release clauses which are included in the agreement. Mr. Burns also pointed out that the agreement included a statement that to the extent permitted under the law, or by the City's health insurer, the City Manager shall remain on the City's health insurance policy for the remainder of the year.

Councilmember Overdier expressed that he felt insulted by the way this entire process has been handled. It appears that some members of the City Council had some concerns about the performance of the City Manager. The City Manager was given a good performance review and was afforded a pay raise in January 2018. It seemed there had been some issues that came about since that time. He continued that under the Florida Sunshine Law, members of the Council cannot discuss any matters that could conceivably be brought before them outside of a public meeting. However, no one bothered to place this issue on the agenda for discussion until their last meeting when 4 members of the Council decided that things had gotten so bad that it was time to terminate the City Manager's employment. He stated that this is insulting to him, to the City Manager and to the citizens of Destin. He added that he spent 30 years in the Air Force; and that he took an oath to defend the constitution of the United States against all enemies foreign and domestic. He served in different countries including Vietnam. When they came back from Vietnam, some of the people in the United States, whose rights they promised to defend, spit on them. He felt insulted then, and it is exactly how he feels now.

The Mayor asked for a motion before they proceed further in this matter.

Councilmember Destin moved to accept the 3rd amendment to the City Manager's employment agreement and to accept her resignation; seconded by Councilmember Morgan.

Councilmember Dixon explained that he previously voted not to terminate Ms. LeJeune's employment because they have had a good professional relationship, and that he personally enjoyed working with her. But, Ms. LeJeune has indicated to him during their previous discussions that she was ready to move on; and for that reason, he would support this

employment agreement. He added there is no reason for them to argue back and forth on this issue.

Councilmember Marler stated that unlike other members of the Council, he has never had any problems with Ms. LeJeune; and that when this issue was discussed at the previous Council meeting, it was revealed that a member of the Council and the City Attorney created this amendment to the employment agreement without prior approval by the entire Council. He feels this is inappropriate because when they hire a City Manager, they usually authorize the Mayor to negotiate the terms of the agreement. He was not happy with what has taken place; and neither were some of the citizens of Destin. He continued that the Council is a legislative body; and that they hire a City Manager to be an administrator making sure that the rules they create are enforced. He also stated there have been some occasions when a member of the Council called out a City staff member in a public forum, instead of presenting their concerns to the City Manager for appropriate action. That action is not only unfair to that individual, but it also puts the City in the risk of facing libel charges. He added that during his conversations with Ms. LeJeune, she has expressed the desire to leave because she knew she would no longer have the full confidence of this Council.

The Mayor stated that Ms. LeJeune has been the utmost consummate professional; adding she does not have to defend herself. She has been successful in the past, and that she will be successful no matter where she goes.

The Mayor announced he will now allow the public to comment on this issue.

Mr. Larry Williges, a Destin resident and former Council member, stated that for the 26 years he had lived in Destin, and for the 12 years he served on the Council, he has been proud to be a Destin resident. He stated he no longer feels that way after what he considers a "public lynching" of the City Manager. He continued that he is not challenging the Council's authority to terminate the City Manager's employment, but he objects to the manner in which it was done. Not only did the Mayor and the other three members of the Council feel they have been blindsided with what has transpired tonight, but the other Council members were quick to respond with petty reasons to seek removal of the City Manager. He asked if these Council members had a one on one meeting with the City Manager, informing her of her apparent shortcomings and allowing her to take corrective actions prior to endorsing this resignation/removal activity. He noted that a few months ago, the City Council granted Ms. LeJeune a merit pay increase based on her job performance; and now five months later, they seek for her removal. He added that while he served on the Council, he never thought that an individual Council member had the authority to direct the City Attorney to perform any action without the vote of the entire Council to perform such action.

Mr. Ron Sandstead, a Destin resident, stated that the citizens of Destin voted a diverse group of individuals to be in the City Council and they are expected to exercising their best judgement; and though he does not have all the facts relating to the issue at hand, he is confident the City Council is trying to do what they think is right.

Capt. Mike Parker, a Destin resident, stated that the way this situation was handled disturbed a lot of the citizens of Destin. It seemed four members of the Council knew what was going on, and that the rest, including the Mayor were uninformed; which gives a bad appearance with the public and a possible Sunshine Law violation.

Having no further comments from the public, the Mayor called for a vote on the motion, which passes 6-1 (Council members Morgan, Destin, Marler, Dixon, Ramswell and Braden voted “yes”; Councilmember Overdier voted “no”).

Ms. LeJeune thanked all the members of the Council for giving her the opportunity to serve the City of Destin. She also thanked the City staff and wished everyone – staff, Council and citizens – the absolute best.

Following this item, the Council moved on to agenda item 1 – *Approval of the minutes.*

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 18-09-LC. The proposed Ordinance would amend Article 8 – TRANSPORTATION. This is City of Destin initiated amendment

The City Attorney read proposed ordinance 18-09-LC by title, and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA PROVIDING FOR MODIFICATION TO ARTICLE 8 – TRANSPORTATION; PROVIDING FOR AMENDMENTS TO VEHICLE PARKING STANDARDS; MODIFICATIONS TO HANDICAPPED PARKING WITHIN RECREATIONAL LAND USES; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

According to Ms. Bryla, they have removed the requirement for handicapped parking for the neighborhood parks. The code currently states that recreational facilities need to provide one handicapped parking space. Some code provisions are also being amended so that it is not an automatic reduction in the amount of parking required to have on site. The code currently states that up to 20% reduction in parking requirement may be given if other means to contribute to the multi-modal transportation network are provided. She continued they are also eliminating all references to Tier 2 and Tier 3, taking out the ability for some of the harbor district to have some off-premise parking, making it consistent with the rest of their multi-modal transportation language in the comprehensive plan.

Councilmember Destin stated that when they discussed this issue a few weeks ago, Council requested they schedule a workshop to further discuss this specific topic. He continued he would not be able to support this ordinance in its current form because he wants to be able to fully understand all the parking provisions contained in it.

Councilmember Braden stated he would support having a workshop session on this topic because he also has several questions about the language in the ordinance.

Councilmember Morgan supports modifying the handicapped parking standards and on-board with grasping a better understanding of the parking reductions.

Councilmember Ramswell agrees with having a workshop session on this topic. She noted that Article 8 discusses modifications of Old Destin and Crystal Beach multimodal

districts sub-area parking reduction options to include the possibility of reducing up to 80 percent of the maximum required number of parking spaces, which is disconcerting to her considering the current problems they have in those areas.

At this time, the Mayor opened a public hearing to receive comments for or against the proposed ordinance. Seeing none, the Mayor closed the public hearing and turned the matter over to the City Council for further discussion and consideration.

Councilmember Destin moved to table Ordinance 18-09-LC and instruct Staff to set a special workshop on this specific ordinance as soon as possible; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

6. *CONSENT AGENDA

- A. 3817 Indian Trail New Marine Construction for SingleFamily Residence
- B. 3819 Indian Trail New Marine Construction for SingleFamily Residence
- C. 3943 Indian Trail New Marine Construction for SingleFamily Residence
- D. Airport Road between Quail Circle and Mattie M. Kelly Blvd Safety Upgrade Project Resolution 1821
- E. Approval for Mayor to sign Minor Replat for Cross Street Subdivision Phase II on behalf of the Destin City Council
- F. Sibert Avenue Pay to Park Project

Councilmember Destin asked for some explanations of Consent Agenda 6F – *Sibert Avenue Pay to Park Project*.

The City Engineer David Campbell explained that this property is located adjacent to the City's memorial cemetery on Sibert Avenue. They designed a gravel parking area with approximately 50 parking spaces. The City's continuing services contractor, H&T Constructors, LLC submitted a quote for this project to make the lot ready for the pay-to-park program. It would be included in the same zone as the current Zerbe/Sibert parking lot. The contractor will be given 60 days to complete the project, but it is anticipated it will take less than 30 days weather permitting.

Councilmember Marler suggests they pull this item, treat it separately, and vote to accept the other items under the Consent Agenda.

Councilmember Marler moved to approve Consent Agenda items 6A thru 6E, as printed above; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Marler suggests they get rid of the apps system for the pay-to-park program and to actually put an attendant in place to collect fees starting next year if not this year. He continued that some phones would not accept the apps and it would be more beneficial to all to have parking lot attendants in these parking lots especially during spring break and the 100 days of summer.

Councilmember Braden stated that another viable option is to have parking lot kiosks by which people will have the option of paying by cash or credit card for parking.

Councilmember Morgan moved to authorize the City Manager to execute a work order for the Sibert Avenue Pay-to-Park Project with H&T Constructors, LLC in the amount of \$56,102.70; seconded by Councilmember Marler.

Mr. Campbell informed the Council they have received one submittal for the Request for Qualifications (RFQ) for the pay-to-park project from the Structured Parking Solutions. It would be brought before the City Council in their first meeting in August. It would be a perfect opportunity to discuss all the topics that were discussed tonight. This project would be a concerted effort between the City Council and the citizens of Destin.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

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

A. Councilmember Braden

Councilmember Braden expressed his desire to appoint Mr. Jason Klosterman to the Local Planning Agency.

Councilmember Destin moved to set aside the order of the day; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Councilmember Braden moved to appoint Mr. Jason Klosterman to the Local Planning Agency; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Councilmember Ramswell

Councilmember Ramswell complimented the City Manager and the City's Parks and Recreation Department for how well the pathways on Indian Bayou Trail look, as well as for bringing in another major baseball tournament to the City.

Councilmember Ramswell stated that under the City Charter, the City Council is allowed to bring to the City Manager concerns they have over certain staff. She feels it is important for her to bring these concerns forward because she feels it has escalated and become something that could potentially be a liability to the City; and that it is regarding the Deputy City Manager that could potentially be in a position of City Manager. She stated that Council cannot discuss anything outside of public meetings; and so for things like this, this is really the only opportunity.

Councilmember Ramswell stated that she came across a reference letter by the Deputy City Manager on October 29, 2015. It is letter of recommendation for the Destin Fishing Fleet, and that it was done on City letterhead by the Deputy City Manager essentially writing a recommendation for them to obtain a Fisheries Research Grant. Her concern with that was it has only been a few years ago that the City's Community Development Director actually signed a document in favor of a citizen in an active case which actually led to his dismissal from the City. Mr. Greg Kisela, the City Manager at the time, stated that City employees should always strive

to not put themselves in a position that appears that they are choosing sides on a matter. She feels this is an example of that because they certainly do not write letters of recommendation for citizens or people to obtain grants. She stated that this was very concerning to her, and that she submitted it and did not really get any follow up on it.

Councilmember Ramswell stated there have been several other things that are concerning. She was also privy to information that the Deputy City Manager had spoken with a representative at the DEP who had asked for a City position on slips the neighbor, the BI, Inc. slips that were being applied for with a submerged land lease. The Deputy City Manager said at the time that the City is in a settlement and they do not have a position right now. When the DEP representative asked if they were not in a settlement whether the City would have a problem with the lease, the Deputy City Manager apparently said that he thinks the City would have a problem with it. Councilmember Ramswell stated that the only people that can issue an opinion on something like this is this Council after discussion and a vote. It has to be discussed and considered amongst all the Council members. Nobody should be rendering an opinion one way or another especially on something that is in dispute and subject to litigation.

Also, according to Councilmember Ramswell, they have had several meetings in June having to do with the Harbor CRA with a lot of discussions with their appointees to this committee. Staff liaisons to these committees are tasked with relaying information back and forth and providing whatever necessary information is requested and needed. Members of the Harbor CRA Advisory Committee have expressed to the Council they have asked the Deputy City Manager repeatedly for documents and to bring different things to them. Minutes of their meeting clearly show where information was requested and never received. She also stated that the Deputy City Manager provided inaccurate and contradictory information; to which even the Council has been a subject. The Council had been given an absolute deadline to approve the plans or lose the funding; and then a year later they hear a differed date while the application has not even been submitted. She also noted that on April 12, 2017, the Deputy City Manager told the Harbor CRA Advisory Committee that the 90% plans were presented to the FCT when it was actually the 60% plans that were submitted. And while this may not seem like a really big deal, it has actually turned into something big because there have been some arguments about the exact percentage of the plan that went forward, and who have seen and actually approved these plans. On July 12th, the Deputy City Manager told the committee that the park was officially funded and work would begin once it is approved by the Council even though it has not yet been officially funded. They are still waiting on the release of funds. On October 11th, the Deputy City Manager told the committee he was going to bring them the plans they have been asking for before their next meeting. By November 8th, no plans have been provided and the committee continued to ask for copies of these plans. He then told the committee that the application had to go back to the Federal Treasury. December came along and the committee still had not received the plans and documents they have requested. Some members of the committee attended a Council meeting and expressed their frustration to the Council.

Councilmember Ramswell further stated that the Deputy City Manager has been with the City for years and should know better; and that she is concern about the potential problem that may occur if he is put in a position serving as City Manager. She added that as much as she hates doing it, she is making this statement publicly so that the rest of the Council and the Mayor would know what she knows and the concerns she has for the potential liability the City could face.

The Mayor asked if Councilmember Ramswell would like to take this issue up and make it an agenda item for a future meeting.

Councilmember Ramswell stated that the City Manager and not the Council has the authority to hire and fire a City staff member; adding that she is merely expressing her concern about this situation.

- C. Councilmember Dixon
- D. Councilmember Overdier
- E. Councilmember Marler
- 1) Crab Island Water Taxi

Councilmember Marler asked if Crab Island water taxis have a business tax receipt (BTR) and an address at the City of Destin since they are cruising around the docks and using the slips at the Royal Melvin Heritage Park.

According to the City Manager, they have removed the "water taxi" signs from those slips; and that there have been a lot of open-ended issues regarding water taxis. The BTR Equity Study Commission addressed the water taxi issue to enable them to establish criteria for BTR for water taxi. Unfortunately, the BTR ordinance has been delayed and so the Council has not been able to address that issue and there is no clear direction for staff regarding water taxis and shuttles.

Ms. Bryla stated that she has met with the individual in-charge of the water taxis. Though the City's current BTR ordinance would not require him to secure a BTR because his address is not within the City of Destin, she informed him they are prohibited from picking up fares in public spaces because they cannot render private gain in public property. They need to have an address from which to operate and apply for a BTR. She continued that this individual informed her he had worked out some kind of a deal for parking. She then asked him to bring in the agreement so they could be vetted through the City's Land Use Attorney and City Attorney to make sure it is consistent with City code.

Councilmember Destin stated that it creates a dangerous situation. A lot of visitors rent these vessels driven by unqualified operators putting them in harms way; and that according to some of the vendors, the drop off point for the water taxis is a semi-submerged picnic table with "Caution" tape on it. He also stated there is more than one water taxi operating on Crab Island, and that he does not believe they have made any parking arrangements.

Councilmember Marler stated these water taxis have been banned from the Harborwalk Village and several other properties because they are using several different addresses.

Councilmember Morgan stated there are water taxis that operate the right way, and that he would not support any measures that would hinder their ability to do business.

The City Manager noted that the BTR Equity Study Commission provided some recommendations to the City Council; and that a proposed ordinance was created and pending the attorneys' review. Once the ordinance is brought forward, the Council could then decide if the recommendation is sufficient to provide direction to staff.

According to Councilmember Braden, the City ought to be able to do take action if these water taxis are operating out of a City property.

The City Manager stated they could take action because their code prohibits commercial activities on City parks. They have contacted the Sheriff's Department on occasions and they immediately sent out a marine unit to deal with the problem. However, they currently do not have anything on the books to regulate water taxis.

- F. Councilmember Destin
- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney

The Land Use Attorney provided the Council a copy of the proposed settlement agreement related to the flood plain code enforcement cases for the properties not in compliance with the flood plain ordinance. They previously held an executive session where the Council directed a certain settlement agreement; which is basically put into writing. She stated that Mr. David Theriaque, the attorney for the respondents, had requested one change be made to the agreement at the request of one of his clients. The new flood plain ordinance has a more stringent requirement changing from one foot to two feet the distance for the first floor to be legal. Because one client needs handicapped accessibility on the first floor but wanted to come into compliance with the current code. He asked that one property be grandfathered in; otherwise, he would be unable to come into compliance.

The Mayor asked that this item be placed on the next agenda to give the Council enough time to review the document. There were no objections from the City Council.

- 1) Discussion of HB 631 (2018), relating to recreational customary use of beaches.

The Land Use Attorney noted that a new law was recently enacted governing recreational customary use on the beach. The law basically provides that the city cannot adopt a customary use ordinance unless the ordinance is validated by the courts. In order to adopt the customary use, the City must first hold a public hearing on its intent to affirm customary use in the area with notice to all the affected property owners as detailed in the statute. Within 60 days of the public hearing on the city's intent to affirm customary use on the beach, the city would be required to file a lawsuit for the court to affirm that the customary use being sought meets statutory requirements; which is ancient, reasonable, without interruption and free from dispute. All affected property owners would have to be noticed of the lawsuit to afford them enough time to intervene in the lawsuit. She also stated that some counties have been grandfathered in – namely St. John and Volusia counties. At this point, the Walton County ordinance has been invalidated. The Governor has backtracked a little bit on the statute he signed into law. On July 13th, he issued an executive order that encourages local governments not to restrict public beach access other than for safety reasons.

J. City Attorney

Motion and discussion to ratify all of the motions passed at the June 28, 2018, Special City Council Meeting (public comment should be allowed at the time of the vote on the motion).

The City Attorney asked the Council to ratify all the motions they passed at the June 28, 2018 special city council meeting. He explained that prior to the June 28, 2018 meeting, there was a concern about a potential Sunshine Law violation when two emails that were sent by two members of the Council to the County, and the County responding to those emails; and with those emails being included in the agenda materials. He stated that the Land Use Attorney reviewed this case and determined it was not a violation; but to be safe, the Council needs to ratify the following motions:

- Motion to move forward with developing the Royal Melvin Heritage Park, which passed 7-0.
- Motion for the City Council to have the final approval of the conceptual design and final approval of the final plan of the park prior to any applications being submitted to the County, which passed 7-0
- Motion for the City Manager, City Attorney, Land Use Attorney and the Mayor to meet, discuss and try to work out any issues that they have among them, and report the result of the meeting to the City Council on July 16, 2018, which passed 6-1. This motion is now mute due to other events earlier in this meeting tonight.
- Motion to accept the City Attorney's work with the County Commission advising them to hold up submitting any applications until this board has reviewed and approved the final plan and designs for the park, which passed 7-0.

Councilmember Destin moved to ratify all the motions passed at the June 28th Special City Council Meeting, as listed above, seconded by Councilmember Braden.

The Mayor asked if any member of the public wishes to comment on this matter. Seeing none the Mayor called for a vote on the motion.

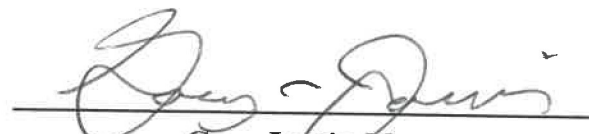
Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Having no further business at this time, the meeting was adjourned at 9:00 PM.

ATTEST:



Rey Bailey, City Clerk



Gary Jarvis, Mayor