

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 7, 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 Bobby Wagner

Councilmember Rodney Braden

Councilmember Kevin Schmidt

Destin City Staff

City Manager Lance Johnson

City Clerk Rey Bailey

Building Official Noell Bell

Code Compliance Director Kim Corbin

Community Development Director Louis Zunguze

Grants/Project Manager Jeffrey Cozadd

Land Use Attorney Kimberly Kopp

Deputy City Manager Webb Warren

Public Information Manager Catherine Card

Finance Director Krystal Strickland

Public Works Director Michael Burgess

City Engineer Ryan Scott

City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor David J. Butler of the Faith Assembly Christian Church in Destin gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

FAREWELL TO OUTGOING MAYOR GARY JARVIS

Farewell and presentation of gifts to outgoing City of Destin Mayor Gary Jarvis.

AGENDA APPROVAL

Motion by Councilmember Hebert, seconded by Councilmember Wagner, to approve the agenda passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

- 1. PROCLAMATIONS / RECOGNITIONS / SPECIAL / PUBLIC PRESENTATIONS / ANNOUNCEMENTS**
- 2. PUBLIC COMMENTS**

Ms. Marcie Bell, a Destin resident, asserts that the city's Code Compliance Department engages in selective enforcement. She stated that Waste Management wanted to charge the citizens for trash overages. She fought for the citizens and won. Citizens are not going to be charge for overages under the new Waste Management franchise agreement. She stated that she turned in Waste Management overages a week back on short term and long-term rentals, but it was ignored and no violation was ever issued. She continued that rules should apply to all properties all the time.

Also, Ms. Bell, reported obtaining several documents from the City of Niceville via a public records request regarding a current City of Destin employee whose employment was previously terminated by the City of Niceville due to sexual harassment allegations. She continued there is now an allegation of sexual harassment against this individual in the City of Destin.

3. CONSENT AGENDA

- A. Disaster Recovery Services (TFR, Inc), authorization to renew contract
- B. Disaster Recovery Services (Crowder-Gulf), authorization to renew contract
- C. Miscellaneous Electrical Maintenance Services, authorization to renew contract
- D. Miscellaneous Fire and Security Monitoring, authorization to renew contract
- E. Authorization to purchase a John Deere 35G Mini-Excavator, Sourcewell Contract Pricing
- F. Authorization to Purchase a John Deere 5075M tractor, Sourcewell Pricing
- G. Approval of Speed Hump (4) and Raised Pedestrian Walkway (1) Installations – Stahlman Ave, Beach Dr, and Sibert Ave
- H. Quarterly Investment Report
- I. Proposed Bert Harris Settlement Agreement for 3480 Scenic Highway 98
- J. Reimbursement to Councilmember Hebert for expenses incurred attending an event celebrating the service and accomplishments of the ODA 595 Horse Soldiers of the Task Force Dagger Operations in Afghanistan following the tragic events on September 11, 2001.
- K. Okaloosa County Sheriff Department FY2023 Contract Addendum
- L. Approval of minutes of October 3, 2022 Regular City Council Meeting
- M. Draft Meeting Minutes of Boards and Committees

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

Councilmember Bagby requests Consent Agenda item 3J be pulled for discussion.

Councilmember Braden moved to approve Consent Agenda items 3A – 3F, 3H – 3I, and 3K – 3M; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember King was absent from the meeting).

Discussions followed relative to Consent Agenda 3G. Councilmember Schmidt questioned the exact location of the speed hump to be installed.

Public Works Director Michael Burgess stated that he was mistaken with regards to the exact location of the speed hump. The speed hump will be placed south of Legion Drive, near Bent Arrow and Sandalwood; adding they are bringing back pricing for the speed hump installation.

Motion By Councilmember Schmidt, seconded by Councilmember Hebert, to approve Consent Agenda item 3G, with the two speed humps on Beach Drive to be installed south of Legion Drive passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember King was absent from the meeting).

Considerable discussions followed on Consent Agenda item 3J. Councilmember Bagby opposes the reimbursement to Councilmember Hebert for the amount incurred attending the event as it was nothing more than a charitable donation, and that they do not have a policy regarding reimbursement for charitable events.

Councilmember Hebert explained that the initial invitation was to the City of Destin. It was short noticed and not everyone at the council saw the invitation. She received a phone call asking if she would like to represent the City of Destin. She wanted to attend as it was an event celebrating the service and accomplishments of the ODA 595 Horse Soldiers of the Task Force Dagger Operations in Afghanistan following the tragic events on September 11, 2001. The City Manager ruled the reimbursement would need to be approved by the city council. She added she paid for the cost to attend the event as the city’s representative expecting to be reimbursed.

Councilmember Destin stated this is an event the council would have probably agreed with had they have known about it in advance. He would be in favor of a reimbursement at this time but moving forward they need to make sure council’s approval is received in advance.

Councilmember Destin moved to approve Consent Agenda item 3J, approving reimbursement for charitable contribution; seconded by Councilmember Wagner. Motion passed 4-2 (Council members Schmidt, Destin, Wagner, and Braden voted “yes”; Council members Hebert and Bagby voted “no”; Councilmember King was absent from the meeting).

4. CITY MANAGER REPORTS

A. Procurement Policy - Resolution 22-10

Finance Director Krystal Strickland noted that proposed Resolution 22-10 – Procurement Policy updates the policy that was adopted in 2019. It increases the City Manager’s purchasing approval authority from \$15,000 to \$35,000 for budgeted items, and to do an internal budget transfer for up to \$25,000. Anything over that amount would be brought before the council for approval.

Councilmember Bagby noted that tracking all the capital purchases costing at least \$10,000 rather than the previous \$1,000 is another big change.

Councilmember Hebert moved to adopt Resolution 22-10 – Purchasing Procedures – with the following caveat: list of purchases costing over \$15,000 shall be made available as part of the monthly operational financial report as an informational item on the Consent Agenda. Councilmember Bagby provided a second to the motion, which passes 5-1 (Council

members Schmidt, Hebert, Bagby, Destin, and Wagner voted “yes”; Councilmember Bagby voted “no”; Councilmember King was absent from the meeting).

B. Building Permit Fee Study Update

The City Manager explained that this item is pursuant to council’s directive that the Community Development Department commissioned an Assessment Study of Building Permit Fees, Revenue, and Costs to evaluate the need to balance Building Division fees and forecasted revenue generation with forecasted costs for staff and operations of the Building Division’s services.

Mr. Alan Steinbeck, 3TP Ventures, Inc, presented the Building Permit Fee Study update:

What must be decided at this point?

- Maintaining the goal of the Building Division being operated as a self-sustaining enterprise
 - ❖ Permit and inspection fees cover the staff and operating costs to the maximum extent feasible
- Decisions that have already been made a priority
 - ❖ Fully funding and staffing the Building Division to meet the demands of customers
 - Budget reflects this commitment
 - ❖ Allocating \$258,921 from the General Fund to the Building Fund

City’s accomplishments to date:

- Complied with state statutes in reporting on permit activity and finances
- Instituted full accounting of staff and operating costs of the Building Division activities
- Established a Building Fund to monitor revenue and expenditures
- Forecasted costs and revenue to plan for future balanced budgets
- Assessment of Building Permit Fees, Revenue and Costs

Florida Statutory Requirements for Building Permit and Inspection Fees:

- City must complete and publish an annual Building Permit and Inspection and Utilization Report
- Building funds cannot hold reserves greater than average of past four years of operating costs
 - ❖ Reserves in excess of this level at the end of the fiscal year must be refunded.

Why is this decision needed now:

- Fees were last updated in 2017
- Staffing plan is designed to meet current and anticipated demands
- Cost of doing business has gone up
- Building fund balance forecasted to go negative by 2026 if changes are not made
- Risk of permit activity going down

- Fee revenue not strong enough to build up a reserve

Current forecast

ACCOUNT DESCRIPTION	2021 ACTUALS	2022 PROJECTION	FY 2023 BUDGET	FY 2024 FORECAST	FY 2025 FORECAST
TOTAL BUILDING FUND REVENUE	893,629	957,135	1,195,130	1,230,860	1,267,690
TOTAL BUILDING FUND EXPENDITURES	752,982	760,006	1,203,859	1,250,580	1,249,470
NET OPERATING (REV - EXP)	140,647	197,129	(8,729)	(19,720)	18,220
TXFR IN FROM GEN FUND	258,921				
TRANSFER OUT TO CD TECH FUND	(88,818)	(87,337)	(119,050)	(122,620)	(126,300)
CHANGE IN FUND BALANCE	310,750	109,793	(127,779)	(142,340)	(108,080)
FUND BALANCE, BEGINNING OF YEAR		310,750	420,543	292,764	150,424
FUND BALANCE, END OF YEAR	310,750	420,543	292,764	150,424	42,344

The proposed alternative:

- Set fees to ensure there are adequate resources for the next five years
- Plan to build a fund balance of 50% of annual labor and operating costs
 - ❖ Can be used for capital expenditures on building equipment, and vehicles
 - ❖ Mitigates against risk of lower permit fee activity
- Raise review, permit and inspection fees at least 15% across the board

Assessment considerations:

- Forecasted revenue and fees
 - ❖ Cost accounting for Building Division staff, associated staff and technology transfer
- Comparable building permit fee structures of other jurisdictions
 - ❖ Okaloosa County, Walton County, the City of Fort Walton Beach, and Bay County
- Other Community Development Department fees
- Fee levels based on other jurisdictions and level of effort
 - ❖ Differentiation in fees with most in the range of 15% to 20% increase

Recommended Action:

- Adjust Community Development Department fee schedule per the recommendations included in the Assessment of Building Permit Fees, Revenue and Costs

Councilmember Hebert moved for approval of the recommended fee adjustments shown in the Assessment of Building Permit Fees as presented; seconded by Councilmember Bagby.

Councilmember Destin noted that the biggest complaint he has received since being back to the council was the timeliness of issuance of permit, and that he feels they are doing things in the wrong order. He stated that he does not oppose raising fees, but he feels 10% is more appropriate at this point. They could then review it later to see how it is working.

Councilmember Destin offered a substitute motion to raise the fees by 10% and review it after the end of the year; seconded by Councilmember Bagby. Motion passed 4-2 (Council members Hebert, Bagby, Destin, and Braden voted “yes”; Council members Schmidt and Wagner voted “no”; Councilmember King was absent from the meeting).

C. Proposed RFQ for Post Certificate of Occupancy Building Inspections

Community Development Director Louis Zunguze noted that the city council previously directed staff to proceed with the preparation of an ordinance based on Florida Legislature adopted Senate Bill 4D and signed into law by the Florida Governor. This law pertains to Condominium and Cooperative Associations which are required to perform post Certificate of Occupancy structural integrity inspections and to perform Structural Integrity Reserve Study to ensure the buildings are safe for continued use. Milestone Inspection Reports shall be submitted to the Building Official accompanied by a fee as set forth in the Destin Fee Schedule. It is the city's responsibility to review the milestone reports provided and interpret the results of the inspections performed. The city has budgeted for the use of a professional consultant to help with the interpretation and understanding of the inspection reports and has prepared a proposed Request for Qualifications (RFQ) for council's review and approval.

Councilmember Bagby moved to table this item to a date uncertain; seconded by Councilmember Braden.

Councilmember Bagby explained the reasons why he feels they are way too far ahead of the process at this time; adding they may still be about two years away from needing to have a Structural Engineer on staff and a lot of things could still happen between now and then. Also, there may not be a requirement for them to do anything regarding this matter once some of the inconsistencies that were in Senate Bill 4D are worked out during a Legislative Session next year.

Councilmember Schmidt stated that he has some questions related to this subject, and that he would like to be heard before they vote.

The City Attorney opined that a vote must be taken once a motion to table an item is made and seconded.

Motion passed 4-2 (Council members Hebert, Bagby, Wagner, and Braden voted “yes”; Council members Schmidt and Destin voted “no”; Councilmember King was absent from the meeting).

C. Cross Town Connector 100% Plans

Mr. James Park, Atkins Consultant, stated that per city council directive, they have provided the final design – the 100% construction plans – for the last segment of the cross-town connector. The plans reflect the ADS Storm Tech system for undergrounding retention pond #2.

discussed the 100% design plans for the crosstown connector. He stated that the city council has previously directed staff to continue the redesign of the Destin Cross Town Connector roadway facility and retention system utilizing the ADS Storm Tech system and undergrounding area #2. Should the council decide to move forward with the 100% plans, the following are the remaining tasks in the overall cross-town connector project process:

- Completing the PD&E study revision
- Obtaining the Northwest Florida Water Management District permits
- Obtaining required state permits
- Completing the property acquisition for the remaining properties needed for the project.

Councilmember Destin moved to direct the City Manager to approve the following:

- 1. 100% Design Plans**
- 2. 100% Landscape Plans**
- 3. Continue with remaining tasks 1-6 as outlined**
- 4. To direct the parks and Recreation Department to coordinate the design of the park facility for the Destin Crosstown Connector, in conjunction with the City Engineer and the Parks and Recreation Committee and bring back design for council's review; and**
- 5. That the right-of-way for the crosstown connector that passes through the city's property (Old Destin Campground) be from the back side of the curve of the roadway on either side.**

Councilmember Bagby provided a second to the motion.

Councilmember Destin explained that the added stipulation (#5) would designate the right-of-way at about 50 feet which complies with the motion the council adopted several years ago that the connector would be a two-lane road; adding that as the plans are currently drawn, it appears the right-of-way through the park would be around 90 feet.

Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

E. Code Compliance Update

Code Compliance Director Kimberly Corbin presented the Code Compliance Quarterly Report updates as well as her department's priorities and goals.

Code Compliance Department

- Perception of Code Compliance Officers
 - ❖ They are not “firefighters” as some people think
 - ❖ They are not law enforcement officers
- What are the challenges we face today?
 - ❖ Currently short staffed
 - 9 people total when “fully staffed”
 - 6 code officers
 - Director, Deputy Director, and Administrative Assistant
 - Handle 7-day a week operation (6 a.m. to midnight shifts)
 - Patrol 70 miles of city paved roadways and 140 miles of rights-of-way
- Resources: staff and vehicles
 - ❖ Staff Positions (vacancies)
 - ❖ 6 vehicles
 - ❖ 1 boat
 - ❖ 1 Gator
- Tools: Ordinance updates needed
 - ❖ Need stronger ordinances – “more teeth” for enforcement

Key Functions:

- Reducing/Eliminating unpermitted and unlicensed activity
- Filling Code Compliance vacancies and maintaining appropriately trained staff
- Signs in the Right-of-Way
- Safety issues – parking, visibility triangle, and sanitation issues
- Noise complaints called in by Okaloosa County Sheriff’s Office dispatch
 - ❖ Citizens’ complaints
- Collaboration with Community Development Department on LDC issues
 - ❖ Defining and interpreting the laws
- Encourage consistent use of HelpDesk so complainants can track their complaints through Compass/Energov
- Keep line of communication open with city staff and citizens to be more efficient with staffing and morale
- Strategic plan objectives

Code Compliance Department – 3RD – Quarterly Report 2022 (Calendar Year) – July thru September 2022:

- Total number of service calls for 3rd quarter of 2022 = 988
 - ❖ July 2022 – 360
 - ❖ August 2022 – 318
 - ❖ September 2022 – 310
- Short-Term Rental Complaints – 166
- Pay-to-Park – 288
- Parking Violations – 254
- Signs – 148

- Conserve and establish – 57
- Security checks – 75
- Note: There were 491 cases opened in October 2022

Code Compliance Department – Goals

- Every complaint that comes into Code Compliance will have a case assigned in Compass/Energov
- Increase procedural efficiencies
 - ❖ Shorten times for compliance to be more reasonable to the specific violation
 - ❖ Code Compliance Special Magistrate hearings – increase to twice a month
- Implement new hire training that is coordinated with legal and Community Development, and continued training on ordinances for current staff
- Review of night staffing and effectiveness after dark
- Code Compliance should refer all noise complaints at an establishment that serves alcohol to Okaloosa County Sheriff's Office
- Work with legal and LDC consultant on increased “teeth” consistent with state law
 - ❖ More warnings may be given to tourists and visitors as they may not be familiar with city laws
- Preparation of International Property Maintenance Code (IPMC) Ordinance for Code Compliance
 - ❖ Each code officers to be certified
 - ❖ Add more credibility for the officers in the field
- Each Code Officer IPMC Certified through the International Code Council (ICC)
- Update Standard Operation Procedures for department and each position
- Contractors to:
 - ❖ Mow
 - ❖ Board & secure
 - ❖ Demolish unsafe structures
 - ❖ Swearing in Ceremony for each Code Compliance Officer by the new mayor
 - Make the code officers' job more meaningful
 - ❖ Reevaluate schedule during the off-season (7 days/week operation)
 - I.E., placing a code officer on call
 - ❖ Reevaluate holidays for Code Compliance
 - ❖ Revamp Waterway and Harbor position responsibilities
 - ❖ Work with IT on the Compass migration to the Cloud in 2023
 - ❖ SUPER GOAL: Accreditation of Code Compliance Department through the American Association of Code Enforcement (AACE)
 - There are 45 criteria they are required to meet

PRIORITIES:

- Rogue Vessel Plan:
 - ❖ Intense staff training sessions this week including meeting with the United States Coast Guard and Land Use Attorney regarding regulations and legal issues, and meeting with community stakeholders for on the ground insights and strategy

- ❖ Training to be followed up with action by focusing resources at Joe's Bayou and other critical areas
 - ❖ Increased reporting to council on this priority issue at future meetings
 - Short-Term Rental Plan
 - Dedicated staff to review advertisements and increased monitoring at critical areas of the city, followed by increased reporting to council on this priority issue at future meetings
- **WHAT ARE THE CITY COUNCIL'S PRIORITIES?**

DISCUSSIONS:

Councilmember Hebert noted based on the report, there have been a lot of issues that happened on Holiday Isle. She asked if there has been some coordination that have taken place with their homeowners' association, or possibly to develop some type of partnerships with them to help resolve a lot of their issues.

According to Ms. Corbin, she attended one of the association's meetings as a guest speaker a few months back; and that she would be glad to work and establish a partnership with them.

Councilmember Braden asked whether the Code Compliance Department pick and choose whom to hold accountable for certain violations; noting that one of the emails from a code compliance officer states that they were directed by the City Manager just to issue warnings, not a citation, to Club LA for their violation.

Ms. Corbin replied that her department enforces the code equally.

The City Manager offered some clarifications regarding the case involving Club LA. He stated that the code officer involved was getting a secondhand information from another entity. He stated that he did not provide a blanket statement not to issue a citation to Club LA. It only involved one specific date relating to a specific event. Club LA has been in existence, and has held concerts in their facility, for quite a long time. He wanted to give the manager of that facility the opportunity to work something out with staff and come to an agreement on certain issues, which they have done for the most part.

Councilmember Braden stated that his priority is simply for the Code Compliance Department to enforce the code that the council approves.

Councilmember Schmidt wants to discourage the idea of the Code Compliance Director meeting with each council member individually to get their input, adding they may have different ideas that would conflict with one another. He recommends all the discussions taking place at a formal council meeting.

Councilmember Schmidt noted that one of the goals of the Code Compliance Department mentioned earlier was to reduce unlicensed activities. He asked how they propose to accomplish that feat.

Ms. Corbin stated they are going to train the officers on things to look for on unlicensed activities (i.e., short term rentals, livery).

The Land Use Attorney stated that she felt that code compliance officers have not been provided enough general training in the past. The City Manager, Community Development Director, and herself have recently met and discussed meeting as a group with the entire Code Compliance Department to discuss their training on big issues with which they were having trouble. They have been meeting as a group on a regular basis.

Councilmember Schmidt stated that his main priority is for the Code Compliance Department to perform the smallest and simplest things. To be observant of what is going on around them as they are driving down the roads and being proactive in correcting any irregularities that they observe.

Councilmember Wagner noted that his priorities are as follows:

- Holiday Isle – derelict vessels and illegal commercial activities
- Crystal Beach – commercial beach chairs/traversing the beach and parking in the right-of-way.
- West Destin – junk yards/properties
- Joe’s Bayou – illegal charters

Councilmember Bagby agreed that meeting with individual members of the council is a bad idea. He also stated that if anyone has a problem with the Code Compliance Department, they should discuss that matter with the City Manager. He would like the council’s priorities to be discussed during the upcoming Council Strategic Visioning Session, including what issues on which they want the Code Compliance Department to be proactive. He added that his top 3 priorities are rogue vessels, short-term rentals, and right-of-way parking.

Councilmember Destin stated that one of the keys to the success of the Code Compliance Department is to work closely with the city’s attorneys to better understand and successfully enforce the city’s ordinances. He continued that it would be quite challenging to be able to enforce the hundreds of ordinances they have, but he expects the department to do their best.

F. Announcements

1. Tuesday, November 8th, is Election Day. Encourage everyone to vote.
2. Veterans Day Holiday on Friday, November 11th. City facilities will be closed.
3. Next city council meeting is on Monday, November 28th. It will be an inauguration day for the new mayor and 3 council members.
4. Destin High School Crop Drop on Saturday, November 19th.
5. TRIP Grant officials notified the city that the \$1.8 million to be used towards acquiring the remaining properties for the crosstown connector have been allocated.
6. Tarpon beach acquisition closed last week. The city now has an additional 350-plus feet of public beach land that run between Tarpon Street and Dolphin Street.

5. PUBLIC HEARINGS

A. First reading of Ordinance 22-17-CC - Post Certificate of Occupancy Building Inspections Ordinance

The City Attorney read proposed Ordinance 22-17-CC by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES FOR COMPLIANCE WITH STATE LAW; AMENDING THE CODE TO ADD PROVISIONS FOR POST-OCCUPANCY INSPECTIONS OF CONDOMINIUMS AND COOPERATIVES; PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; REQUIRING MILESTONE INSPECTIONS; PROVIDING FOR ENFORCEMENT BY CITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to approve Ordinance 22-17-CC on first reading passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember King was absent from the meeting).

B. First reading of Ordinance 22-20-CN - an ordinance of the City of Destin, Florida approving the form and authorizing execution and delivery of an amended interlocal agreement between the city and Okaloosa County to facilitate the city's acquisition of certain beach property and the development or redevelopment of such property for public recreation and tourism purposes, and to establish the respective financial obligations of the city and county associated therewith.

The City Attorney read proposed Ordinance 22-20-CN by title, and then presented it to the city council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA APPROVING THE FORM AND AUTHORIZING EXECUTION AND DELIVERY OF AN AMENDED INTERLOCAL AGREEMENT BETWEEN THE CITY AND OKALOOSA COUNTY TO FACILITATE THE CITY'S ACQUISITION OF CERTAIN BEACH PROPERTY AND THE DEVELOPMENT OR REDEVELOPMENT OF SUCH PROPERTY FOR PUBLIC RECREATION AND TOURISM PURPOSES, AND TO ESTABLISH THE RESPECTIVE FINANCIAL OBLIGATIONS OF THE CITY AND COUNTY ASSOCIATED THEREWITH; REPEALING CONFLICTING RESOLUTIONS AND ORDINANCES; AND PROVIDING 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 Hebert moved to approve Ordinance 22-20-CN on first reading and to authorize the City Manager to encumber the city's portion of the county's design services contract C19-2748-PW, task order 7 in the amount of \$327,426.84. Councilmember Wagner provided a second to the motion.

Councilmember Schmidt stated that he does not understand the idea of moving forward and redesigning the Crystal Beach properties and spending a lot of money at this time. He continued that when they voted not to proceed with the beach acquisition at the last meeting due to a variety of reasons, there were comments about having more discussions about the different options including selling a parcel.

The Deputy City Manager explained that the intent of the designs is to be scalable; to get the corps functionality of it with the restrooms and parking that are necessary for the park in order to open it up to the public now and to take into consideration what might happen in the future. He continued that this is a partnership between the city and county. What is being proposed is to ensure that the fundamental use is there; however, it could be expanded, if necessary, in the future.

Councilmember Schmidt offered a substitute motion to approve Ordinance 22-20-CN on first reading; seconded by Councilmember Braden.

Councilmember Schmidt explained he just want the council to vote on approving the ordinance on first reading now and discussing the second part of the original motion at the next meeting.

Councilmember Bagby stated it was his understanding that the money they are approving is not just for the design of the Crystal Beach parcel but also for the design of the Tarpon parcel.; and that he is not willing to deny the money particularly for the Tarpon parcel which they just closed on.

Councilmember Schmidt noted that Task Order 7 is specifically for the Tarpon parcel.

Substitute motion failed 2-4 (Council members Schmidt and Braden voted "yes"; Council members Hebert, Bagby, Destin, and Wagner voted "no"; Councilmember King was absent from the meeting).

The City Attorney noted that the original motion would need to be modified to include task order 5 for the design of the Crystal Beach parcel.

Councilmember Hebert moved to approve Ordinance 22-20-CN on first reading and to authorize the City Manager to encumber the city's portion of the county's design services contract C19-2748-PW, task orders 5 and 7 in the amount of \$327,426.84. Councilmember Wagner provided a second to the motion, which passes 4-2 (Council members Hebert, Bagby, Destin, and Wagner voted "yes"; Council members Schmidt and Braden voted "no"; Councilmember King was absent from the meeting).

- C. Second 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

The City Attorney read proposed Ordinance 22-15-CN by title, and then presented it to the city council on first reading.

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.

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.

Motion by Councilmember Hebert, seconded by Councilmember Wagner, to approve Ordinance 22-15-CN on second reading passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember King was absent from the meeting).

- D. Second 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.

The City Attorney read proposed Ordinance 22-16-CN by title, and then presented it to the city council on first reading.

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 EXPIRATION OF MORATORIUM ON JUNE 30, 2023, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Motion by Councilmember Wagner, seconded by Councilmember Hebert, to approve Ordinance 22-16-CN on second reading passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted “yes”; Councilmember King was absent from the meeting).

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

A. Councilmember Braden

Councilmember Braden noted that a question was brought to his attention as to why they did not consider purchasing the Point One Mezzanine property on Norriego Point rather than the Crystal Beach property.

The City Attorney stated that the specific question may have been why the city did not condemn the property through eminent domain. He explained that for the condemnation process to work, the council first has to pass a Resolution of Necessity. They have to find a public purpose for that parcel. This is a legislative finding so if they find a public purpose, they will then need to decide whether to acquire the property through either a “slow take” or a “quick take” process. In the “slow take” process the council does not decide on the value of the property until the end, which is an extremely expensive process as it requires a jury trial. The cost could be in the millions of dollars for the city. He continued that in the “quick take” process they acquire the title to the property immediately, and then litigate their deposit in the court on what they believe is the value of the property according to appraisals. Sometimes that process does not require a jury trial, but only a mandatory mediation. Though it is a less expensive process to local governments, the property in question with an existing development order and with a large undeveloped parcel could have a good faith value that could have exceeded the city’s budget in a single year.

B. Councilmember Wagner

1. Enhancing beach vendor permitting process (LDC 11.08.02)
 - a. Adding ghost chair restrictions/percentage per property location
 - b. Mean high tide water line (MHTW) and/or Erosion Control Line acknowledgment from business per location
 - c. Addition of penalties for illegal setup of chairs inside public beach areas (FL Statute 177.28)

Councilmember Wagner recommends the City Manager look into creating a better communication line with vendors and allowing the vendors and the city to better understand the exact location of the erosion control line, securing the quality of beach access while preserving and protecting the rights of residents.

According to the Land Use Attorney, there have been ongoing meetings with several key members of the city, county, Sheriff’s Office, and other stakeholders on this issue and they have come up with various options. She recommends trying to work with some voluntary compliance type of policy first. She will work with the City Manager and put some information together and bring it back to council.

- C. Councilmember Destin
D. Councilmember Bagby
E. Councilmember Hebert

1. Reengage with the property owner of the beach access parcel at the Shores of Crystal Beach

Councilmember Hebert stated that he has invited Mr. Adam Lamden to discuss his Shores of Crystal Beach property as well as his proposal for the city’s acquisition of that property.

Mr. Lamden stated he has been working with the city over the past year to try to finalize the purchase of his property by the city. He stated that there were comments made at the last council meeting that disparage her character and that were not accurate. He stated that he tried

very hard to finalize the deal and responded to the city properly and on a timely basis. Most of his disagreement with the city came more miscommunication between the Public Land Trust and himself. From the inception of the agreement, he informed the Trust that it was a requirement that he receives certain tax treatment. They responded in writing and multiple times they were deliberate. On the eve of closing, they said they were not doing it; however, he was the one that was accused of backing out from the transaction for no apparent reason. He continued that it was presented at the last meeting that he has a binding sales agreement with the city, which is false because what they had was an option agreement. Once that agreement expired, the city quickly moved to eminent domain, which he quickly responded to noting there are some problems with the city's appraisal. It has comparable sales problem, square footage problem, and age of home problem. He tried to work with the city, but the city told him to stand down as they have decided to pursue other priorities. He then asked to meet with the city. He brought his own appraiser and met with the City Manager and several members of city staff to try to work things out. He stated that when the meeting ended, they were 5 percent apart; and that he did not hear from the city for several months. He then heard from the Public Land Trust a few weeks ago wanting to purchase his property. He added that he has tried to work things out with the city rather than hiring an eminent domain attorney, and that he has the documentation that would support the statements he made tonight. He also added that all he wanted is the fair market value for his property.

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt requests the following topic be placed under his name on the next council meeting agenda: *"Proposed RFQ for Post Certificate of Occupancy Building Inspections"*

H. Mayor Jarvis

1. Returning to traditional sports seasons or to successful city-run sports Programs in the past for each individual sport.

Mayor Jarvis recommends going back to the traditional sports calendar and allowing the Recreation Department to put on first class traditional sports calendar programs giving priorities to residents and their children before any outside entities. He also recommends putting their recreational facilities into a position where they can provide better facilities and the best overall sports programs for residents instead of having a multitude of other programs that are not quite impactful.

Councilmember Schmidt moved to direct the City Manager to have the Recreation Department bring back ideas for adjusting the recreational program which the City of Destin provides, as well as pursuing options for outside organizations to assist and provide. Councilmember Hebert provided a second to the motion, which passes 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Wagner, and Braden voted "yes"; Councilmember King was absent from the meeting).

I. Land Use Attorney

1. Livery vessel - Highlights of new law

The Land Use Attorney noted that the information with respect to the new law involving livery vessels has been provided to the city council and made a part of their agenda packet. She stated that the Fish and Wildlife Commission is going to require livery vessels to register with them for the first time, and that they will be doing some enforcement. She noted that in January 2023 they will get the Harbor Capacity Study results, after which they will start scheduling workshop sessions with the city council to discuss the results of the study, the details of this new law, and what regulations, if any, they would need to put into place before the livery vessels moratorium expires in June 2023.

J. City Attorney

7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:35 PM.

ATTEST:

Rey Bailey, City Clerk

Bobby Wagner, Mayor