



**AGENDA  
PARKS & RECREATION COMMITTEE  
MEETING  
CITY HALL BOARDROOM  
TUESDAY, JANUARY 24, 2023**

- 1. CALL TO ORDER**
- 2. NOMINATION OF CHAIRMAN & VICE CHAIRMAN**
  - A) Chairman**
  - B) Vice Chairman**
- 3. PRESENTATIONS**
  - A) Joes Bayou Presentation of Plans**
  - B) Sunshine Law Presentation - Kyle Bauman**
- 4. ATTENDANCE AND INSTRUCTIONS**
- 5. APPROVAL OF MINUTES**
  - A) September 27, 2022**
- 6. OLD BUSINESS**
  - A) Adopt-A-Park review**
- 7. NEW BUSINESS**
  - A) Beach Committee Representatives**
  - B) Emerald Coast Wildlife Refuge- Monofilament Line Collectors- Denise Song**
  - C) Smoke Free Parks and Beaches**
  - D) Pickleball Information**
- 8. COMMITTEE MEMBER COMMENTS/QUESTIONS**
  - A) Nikki Johnson**
    - 1. Nancy Weidenhamer Dog Park**
  - B) L'Rena Anderson**
  - C) Lisa Mason**
    - Assigning of Park Inspections**
    - Jewel Melvin Park**
    - Heron Project-Clement Taylor Park**
  - D) Isaac Birch**
  - E) Leslie Schmidt**

**1. Master Gardner**

**F) Daniella Piper**

**1. Murals**

**2. Main Street Park**

**G) Sandy Trammell**

**9. STAFF REPORTS**

**10. COMMENTS FROM THE AUDIENCE**

**11. NEXT MEETING DATE: TBD**

**12. PUBLIC COMMENTS** (Comments from the public on any matters considered at the meeting, or on any matters not on the agenda)

If a person decides to appeal any decision made by the City Council, committee, board, panel, or agency with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she will may need to ensure that a record of the verbatim record of the proceedings is made, which record includes the testimony and evidence upon the appeal is to be based.

"Persons with disabilities who require assistance to participate in this meeting are requested to notify the Public Services Office 850/837-4242 at least 48 hours in advance".

## STANDARDS OF CONDUCT FOR PUBLIC OFFICERS

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Last Updated: November 2020

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**\*\*\* This Handout is intended to be used as a basic overview of the Standards of Conduct for Public Officials and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. \*\*\***

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Laws can be found at:  
<http://leg.state.fl.us/>

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### WHAT ARE THE STANDARDS OF CONDUCT FOR PUBLIC OFFICERS?

***“A public office is a public trust.”***  
***– Article II, Section 8, Florida Constitution***

- **Chapter 112.313, Florida Statutes**, describes a series of “standards of conduct” public officers must adhere to. Essentially, the standards of conduct are the basic statutory principles of ethics public officials are legally obligated to adhere to.

#### GIFTS

- **Solicitation or Acceptance of Gifts (Bribery):** You are not allowed to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that your vote, official action, or judgment would be influenced by the gift or promise. § 112.313(2), *Fla. Stat.*
- **Unauthorized Compensation:** You cannot accept anything of value when you know or should know that the item is being given to influence your vote or other action. § 112.313(4), *Fla. Stat.*
  - Also applies to your spouse and minor children.
- You are always prohibited from soliciting any gift and from accepting any gift when the gift is intended to influence your actions as an elected official.

### **BUSINESS PROHIBITIONS**

- **Doing Business with the City:** You are not allowed to purchase, rent, or lease any realty, goods, or services for the City from any business entity of which you are an officer, partner, director, or proprietor or in which the officer has a material interest. § 112.313(3), *Fla. Stat.*
  - Also applies to your spouse and children.
- **Conflicting Employment or Contractual Relationships:** You cannot hold any employment or contractual relationship with any entity which is subject to the regulation of or is doing business with the City. § 112.313(7), *Fla. Stat.*
  - Legal tests to determine whether there is a conflict:
    - Is the conflict frequently recurring?
    - Does the conflict impede the full and faithful discharge of public duties?

### **GENERAL PROHIBITIONS**

- **Misuse of Public Position:** You cannot corruptly use or attempt to use your position or any property or resource within your trust to secure special privilege, benefit, or exemption for yourself. § 112.313(6), *Fla. Stat.*
- **Disclosure or Use of Certain Information:** You cannot disclose or use information not available to members of the general public and gained by reason of your official position for your personal gain or benefit or the personal gain or benefit of any other person or business entity. § 112.313(8), *Fla. Stat.*

### **REQUIRED ETHICS TRAINING & FINANCIAL DISCLOSURE**

- All elected municipal officials must complete at least 4 hours of ethics training each year. § 112.3142, *Fla. Stat.*
- All elected municipal officials must file a financial disclosure with the Florida Commission on Ethics no later than July 1 each year. § 112.3144, *Fla. Stat.*

### **CONSEQUENCES**

- Generally, this statute is policed by the Florida Commission on Ethics and violation of the statute can lead to punishments including impeachment, removal from office, suspension from office, public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received because of the violation committed. § 112.317, *Fla. Stat.*
- Can also carry criminal penalties in some instances.

## Sunshine Law Handout

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**Last Updated: November 2020**

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***\*\*\* This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. \*\*\****

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**The 2020 Government in the Sunshine Manual can be found at:**

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/\\$file/SunshineManual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-B9QQ79/$file/SunshineManual.pdf)

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### WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
  - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
    - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
    - [http://leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119](http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119)
  - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
    - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
    - [http://leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0286/Sections/0286.011.html](http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html)
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

## THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. See Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
  - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
  - “Public Records” are very broad, essentially including *any* written document and most non-written material. For example:
    - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
    - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
  - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
  - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
  - **If the “public record” is located on my personal device is it exempted?**
    - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
  - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
  - “Non-knowing Violations” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and **do not** destroy it to ensure compliance with the Public Records Act.

## GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
  - (1) “Meetings” of public boards or commissions must be open to the public;
  - (2) Reasonable notice of these meetings must be given to the public; and
  - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
  - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
  - The Sunshine Law defines “meeting” very broadly to include:
    - (a) informal meetings of two or more members; and
    - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
  - One member sends a text message to another board member saying he is “against agenda item 2(b).”
    - This is an obvious but important example of strictly forbidden actions.
  - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
    - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
  - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
    - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
  - One board members emails strictly factual information regarding item 2(b) to other board members.
    - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
  - Two board members carpool to a meeting.
    - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
    - However, because of the possible appearance of impropriety, these types of actions are discouraged.
  - Two board members are at the same charity event.
    - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
  - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
  - **Knowing Violations** can result in 2<sup>nd</sup> degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
  - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
  - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- **Rules of Thumb:** Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.

## VOTING CONFLICTS

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**Last Updated: November 2020**

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***\*\*\* This Handout is intended to be used as a basic overview of the Voting Conflicts and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Chapter 112, Florida Statutes. Please contact me and City staff if you have specific questions before the meeting at which the conflict will arise and we will respond to you as quickly as possible. \*\*\****

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**Laws can be found at:**

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### **WHAT IS A VOTING CONFLICT?**

#### ***§ 112.3143, Florida Statutes***

- A voting conflict arises when you are prohibited from voting on a specific matter coming before your board. In instances in which you do not have a conflict, you must vote. § 286.012, Fla. Stat.
- Designed to avoid situation where a public officer is tempted to exercise the powers of his or her office to promote the interest of someone other than the public because of that someone's relationship to the officer.

#### **Statutory Language:**

- You cannot vote on any measure which would
  - inure to your "special private gain or loss,"
  - which you know would inure to the special private gain or loss of any "principal by whom you are retained" or to the parent organization or subsidiary of a corporate principal by which you are retained, or
  - which you know would inure to the special private gain or loss of your "relative" or business associate.

#### **Definitions:**

- **"Principal by whom retained"** – means an individual or entity that has permitted or directed another to act on behalf of the principal for compensation, salary, pay, or consideration. E.g., your client or employer. Also, the parent, subsidiary, or sibling organization of your client or employer.
- **"Relative"** – means your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

- **“Business associate”** – means any person or entity engaged in or carrying out a business enterprise with a public officer, public employee, or candidate as a partner, joint venture, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or co-owner of property. § 112.312(4), Fla. Stat.
- **“Special private gain or loss”** – means an economic benefit or harm that would inure to you, your relative, your business associate, or principal.

### **WHO IS PROHIBITED FROM BENEFITTING?**

- Four classes of people are prohibited from benefiting from the public officer’s vote:
  - (1) The public officer;
  - (2) A relative;
  - (3) A business associate;
  - (4) A principal, subsidiary, or parent corporation of a principal.

### **WHAT KIND OF BENEFITS ARE PROHIBITED?**

#### **“Special Private Gain or Loss”**

- This is the test by which voting conflicts are determined. There are four factors to look for:
  - (1) The size of the class affected by the vote;
  - (2) The nature of the interests involved;
  - (3) The degree to which the interests of all members of the class are affected by the vote;
  - (4) The degree to which the officer, relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.
- Standards – Depending on the type of special gain or loss, three different “standards” are considered:
  - *Special private gain or loss* – the gain or loss must be *special* and *private* to the officer, relative, business associate, or principal. Cannot be general.
  - *Size of the class test* – typically, the Commission on Ethics applies the “1% Rule” which means that if the special gain or loss of people prohibited from benefitting is less than 1% of the total class affected, then there is no voting conflict.
  - *Remote and speculative test* – generally, the special private gain or loss must be somewhat concrete and certain in order to rise to the level of a voting conflict.

### **WHAT TO DO WHEN YOU HAVE A CONFLICT**

- Four steps are required:
  - (1) *Announce* the conflict at the meeting;
  - (2) *Abstain* from voting on the matter;
  - (3) *Disclose* the conflict on the Conflict Form provided to you by the City Clerk;
  - (4) *File* the completed version of the Conflict Form with the City Clerk, who will properly file it and include it in the minutes of the meeting.
- You are also prohibited from participating in discussion on the matter.

**MINUTES OF THE  
PARKS & RECREATION COMMITTEE  
MEETING DESTIN CITY HALL BOARDROOM  
SEPTEMBER 27, 2022 MEETING - 4:00 PM**

**1. CALL TO ORDER:**

Chairwoman Trammell called the Parks & Recreation meeting to order at 4:00 p.m. on Tuesday, September 27, 2022, in the Destin City Hall Annex Chambers with the Pledge of Allegiance immediately following.

**2. ROLL CALL:**

| <b><u>Members Present</u></b> | <b><u>Member Absent</u></b> | <b><u>Staff Present</u></b>          |
|-------------------------------|-----------------------------|--------------------------------------|
| Sandy Trammell                | Matthew Sweetser            | Kim Montgomery Deputy City Clerk     |
| Nikki Johnson                 | Leslie Schmidt              | Lisa Firth Recreation Director       |
| Danielle Piper                |                             | Ryan Reed Dep. Recreation Director   |
| Lisa Mason                    |                             | Michael Baird Parks & Rec Supervisor |

**3. APPROVAL OF MINUTES:**

➤ **August 23, 2022**

**Motion to approve the minutes of the August 23, 2022 meeting was made by Committee member Mason, with Committee member Piper providing the second. The motion passed 5-0.**

**Motion to change the Order of the Day on the agenda to move item with Committee member Johnson providing the second for the following:**

- **Committee member Johnson wants to discuss a memorial for Dot Jones**
- **Committee member Piper wants to discuss Master Gardner**
- **Chairwoman Trammell wants to add Ball Park discussion under Old Business and add Recreation Master Plan discussion under Old Business**

**The motion passed 5-0.**

**4. OLD BUSINESS:**

➤ **Park Inspections**

Chairwoman Trammell asked Mr. Reed if he would provide sample park inspection sheets at their next meeting. He agreed and informed the members that the past inspections that they have turned in have been great, adding that the more details they can provide the better for staff to locate and make the necessary repairs.

For the Harborview Park, Chairwoman Trammell asked if staff thought it would be ideal to shut the park down until all the necessary renovations have been completed.

Mrs. Firth explained that staff did have it closed while the structural inspections were being conducted, and no issues were found, and everything was pressure washed.

➤ **Adopt-a-Park Criteria**

The Chairwoman asked if staff preferred to have different guidelines for each adopt criteria (Park, Bench, Tree) or just use the same form throughout. Committee member Piper mentioned adding the Liability Waiver the City Attorney has reviewed and approved. During discussion, Committee member Johnson suggested allowing at least 2 groups adopt the larger parks, that way they could potentially clean up more and it get done every month.

➤ **Ball Park Update**

Currently the Interlocal Agreement between the city and the high school is being reviewed by the attorneys and it will outline everything the school needs to do to get the permit and get it to where it needs to be. Additionally, they have the approval to start purchasing what's necessary to get the field in order.

**5. NEW BUSINESS:**

➤ **Review Goals and Objectives and Subdivide the Tasks**

According to the Chairman, these items don't have a deadline to get accomplished, and are just reminders of their assigned tasks but they do need to work towards getting them done and each will be under their names on the agenda.

➤ **Beach Committee**

The Chairwoman spoke of how these meetings will start again in March 2023 and two member are needed to attend, one volunteer and one back up.

Mrs. Firth explained the essence of how this meeting was created for the tourist business industry and city staff to get together and meet unofficially to discuss different issues that impact not only city staff and the county, but the vendors, the tourist as well as private property owners. She provided an example of how an incident arose after a significant storm event where she and her staff ended up cleaning up the beach from Crystal Beach to Norriego Point. Adding that a lot of the debris was from private property vendors who, instead of assisting with picking up torn up vendor boxes and debris, they'd just say something like, "Oh that's not mine it belongs to so-and-so vendor" and none of it got picked up. As a result of that and other issues, the group was created in order to get everyone on board to help out on all aspects, from the turtle watching groups, the County beach cleaners, all the beach vendors, and city staff. This brings everyone together to discuss and work out issues that may arise and them as well.

➤ **Member Comments:**

**Committee member Johnson** – Spoke of the recent passing of Dot Jones and dedicating the pavilion at Clement Taylor Park in her memory is in order, since she would go there a lot and meet with people and work on her articles that appeared in the Destin Log.

**Motion by Committee member Johnson, seconded by Committee member Piper to have a plaque made in dedication to the memory of Dot Jones. The motion passed with at 4-0 vote.**

**Committee member Mason** – Brought spoke of the garbage cans on the beach on Holiday Isle and if there is anything to make them look better. This topic was briefly discussed, and staff informed the members that all the cans are being changed to the white steel drums, which enables Waste Management to get their machinery to grab and dispose of the garbage into the trucks.

**Committee member Piper** – Mentioned how people interested in becoming Master Gardeners need to have volunteer hours to achieve their designation and mentioned that they could volunteer their time at city parks to both pull weeds and provide their professional advice on what plants would work well and where in the parks. She also asked the members to be on the lookout for areas where murals could be painted or, at the very least, on garbage cans.

**Chairwoman Trammell** – Spoke of the tree dedication in Mrs. Tammy Scott's memory was planted in North Kellaire Park.

Mrs. Firth informed the members that the city also received a donation to purchase a tree and a park bench at Clement Taylor Park with no personal recognition, just a place for people to sit and enjoy themselves.

The members discussed taking over Matthew's Park assignments and divided them up amongst each other.

Mrs. Firth then informed to the members the upcoming events taking place in the city for the upcoming month.

➤ **Public Comments: None**

**ADJOURNMENT:**

Having no further discussions, the meeting adjourned at 6:40 PM.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

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Sandy Trammell, Chairwoman

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Kim Montgomery, Deputy City Clerk

## Main Street Park Maintenance

The city of Destin has specific codes for how residents must keep up their properties.. but it is not following these codes in Main Street Park... The taller reeds, which used to be fully cut down, giving a clear view out into the bay, are now left haphazardly up. These reeds... 'loom over native marsh plants, blocking out their sunlight. When Phragmites sheds its lower leaves, or dies, it creates a thick layer of wrack that keeps native plants from germinating. Its stalks clog waterways, thwarting fish travel. Salt marsh sparrows avoid them. The roots, or rhizomes, secrete a chemical that prevents other plants from growing, and they grow so deep they are nearly impossible to pull out.....' "Invasive phragmites harms the environment by reducing wildlife habitats, decreasing plant diversity, and altering water levels by trapping sediments. In addition, invasive phragmites can be a fire hazard. Stands along roadsides can obstruct the view of drivers,"

The problem is three fold

1. aesthetically -They are unsightly! What used to be a pleasant view of the bayou now has the appearance of extremely inept trimming. It appears unfinished in a totally disorganized way. No longer is there a clear view out into the bayou.
2. Safety-by removing this 'clear sight' they block the view of the fishing pier-a place where many children come, on foot, on bikes, on scooters. This is a SAFETY hazard for the children... and others!!! In addition, such screening provides a cover for any 'less bucolic' activities which this spot has been known to attract.
3. Ecologically-as quoted above, they change the native character of the plants, they crowd out less aggressive specials, they change the waterway, affect the fish and other wildlife.

*Please cut down ALL the Reeds!!*

If you agree with the above, please put your initials, and the date below.

| Initials | DATE  | NEIGHBORHOOD     |
|----------|-------|------------------|
| JD (2)   | 10/7  | Pine Ridge Trace |
| mf (2)   | 10/8  | Vintage Cr.      |
| MS       | 10/9  | Pine Ridge Tr    |
| CF       | 10/12 | Pine Ridge Trace |
| SK (2)   | 10/12 | N. Lakeside      |

| Initials |     | DATE  | Pine Ridge       |
|----------|-----|-------|------------------|
| SD       | (2) | 10/13 | Pine Ridge       |
| SF       | (2) | 10/13 | LAKESIDE DN      |
| A C      |     | 10/14 | Pine Ridge Trace |
| AP       |     | 10/14 | Pine Ridge Trace |