MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
MAY 1, 2023
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 Bobby Wagner
Councilmember Torey Geile
Councilmember Terésa Hebert
Councilmember Kevin Schmidt
Councilmember Dewey Destin
Councilmember Johnny King
Councilmember Matthew Sweetser

Destin City Staff

City Manager Lance Johnson
City Clerk Rey Bailey
Finance Director Krystal Strickland
Parks & Recreation Director Lisa Firth
Community Development Director Louis Zunguze
Code Compliance Deputy Director Danny Sullivan
Use Attorney Kimberly Kopp
Public Works Director Michael Burgess
City Engineer Ryan Scott
Public Information Manager Tamara Young
Principal Planner Steve O'Connor
Building Official Noell Bell
Grants/Project Manager Jeffrey Cozadd Land
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

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

AGENDA APPROVAL

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

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

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

A. Proclamation - Building Safety Month

The mayor read the proclamation designating the month of May 2023 as *Building Safety Month,* and then presented it to the City of Destin Building Official Noell Bell.

2. PUBLIC COMMENTS

Mr. Ron Sandstead, a Destin resident, and business owner expressed his objection to a roadway being a part of the Linear Park design. He stated that the state granted the city $270,000 to design the park, and that the city will be matching these funds. If the park design can be simplified by eliminating the roadway entirely, the design cost would be a lot less, design components would be simplified, and the faster the park will get done. It would lessen the impact of constructions with the native plants and animals. By eliminating the roadway requirement, the park pass could take advantage of the natural topography and the park would be wider; otherwise, it will be nothing more than a sidewalk alongside a new road. He stated that the citizens of Destin deserve a park and greenspace and not another roadway. He urged the council to eliminate any development requirement for a roadway.

Ms. Sandy Trammell, a Destin resident and former council member, noted that the Destin Fire District Beach Safety contract for 2023 is on tonight's meeting agenda. She stated that nowhere in the contract that says they will be using or promoting the use of the two beach wheelchairs that are available for use by the citizens to take them all the way into the water. She continued that this is controlled by the fire department. The city's Parks & Recreation Committee has discussed this issue and are looking into ways to assist the fire department in obtaining more wheelchairs. She asked the council to make sure it becomes part of the contract.

Ms. Marsha Ray, a Destin resident, stated that she agrees with the previous speaker about eliminating the roadway from the design of the Linear Park, adding that the park would provide a much-needed space where people could safely walk, jog, ride their bicycles, and do other curricular activities. The park is meant to be a place can relax and get away from all the traffic and noise.

Mr. Greg Smith, a Destin resident, stated that the roadway being proposed is a bad idea.

3. CONSENT AGENDA

A. Boathouse Oyster Bar 5k Forrest Benefit Run
B. Destin Fire District-Beach Safety Contract 2023
C. Single-Family Residential Marine Construction proposed at 4049 Indian Bayou North (Parcel ID: 00-2S-22-1244-0000-004A)
D. Approval of minutes of February 16, 2023, Council Strategic Planning and Visioning Session

Councilmember Hebert moved to approve Consent Agenda item 3A, 3C, and 3D, seconded by Councilmember Destin. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

In reference to Consent Agenda item 3B, Councilmember Schmidt noted that during the season from May 27th through August 13th, he could not find anywhere in the city's interlocal agreement that states what type of services are available outside of that window.

According to Mr. Joe D'Agostino, Destin Beach Safety Chief, stated they have roving patrols. They start with 7 roving patrols and 2 supervisors. By Memorial Day, they increase it to 30 positions to include overing Crab Island. He continued that the peak of the summer ends by mid-August, and that they have the traditional way of thinking that the crowd starts dwindling down around August 1st. They do not feel it is beneficial to continue to have that much manpower and spend money during the last two weeks of August. He added they still have the roving patrol service from Labor Day until the last weekend in October, so that the beach is covered during that period.

Councilmember Schmidt recommends adding in the interlocal agreement that roving patrol will still be available from August 14th through October. He would also like to have lifeguards on City of Destin beaches at every potential opportunity and they need to figure out how to make that happen.

Mr. D'Agostino stated that funding is coming from the Tourist Development Department (TDD) and that at this time he is not sure whether they are funding that this year.

Councilmember Destin asked how much it would cost to put the additional lifeguards in the beaches. Mr. D'Agostino stated it would cost around $21,000.

Councilmember Destin stated that the city has a commitment to beach safety. They have a few places where they definitely need lifeguards, and so the city should be working with the Destin Fire Control District to ensure maximum amount of coverage. They need to find out about the county's decision in terms of funding, and the city can then address it at a future meeting, if necessary.

Councilmember Destin moved to authorize the mayor to execute the Interlocal Agreement between the Destin Fire Control District and the City of Destin to provide Beach Safety and Lifeguard Services on the City of Destin beaches for FY 2023; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

4. CITY MANAGER REPORTS

A. Harbor CRA: Financial Update

The Finance Director provided the financial update for the Harbor CRA as outlined in the agenda item.

B. Schedule of Fees Resolution 23-0

The City Manager noted the following proposed changes to the fee schedule:

- Updated Joe's Bayou boat launch fees back down to zero for residents.
- Increased fees charged for Building Plan Reviews, Building Construction Permit Fees, and Development Order Applications by 10%.

- Increased marine application fees.
- Increased Business Tax Receipt fees based upon Florida Statute allowances.
- Parking fees and parking fines were increased.
- All NSF (returned check) fee is added.

Councilmember Hebert moved to adopt Resolution 23-06 – Schedule of Fees, seconded by Councilmember King.

Councilmember Schmidt requests an amendment to the motion to cut the Clement Taylor, Leonard Destin, and Morgan Sports Center parks and pavilion centers rentals by 50% for residents and residential groups.

The Finance Director noted that the City of Destin has one of the smallest millage rates in the State of Florida, and that one of the reasons they were able to properly function is because the users' fees help support many of the programs. Parks & Recreation are supposed to be supported by users' fees at a minimum 25%. Last year they were supported by 11%, and so they actually need to be increasing rather than decreasing the users' fees. There is a council resolution adopted in 2003 that speaks to this issue. It will be provided to the council, and that this issue will be further discussed during the budget workshop in May.

Councilmember Destin stated that increasing the parking fees from $5 to $20 is quite unreasonable. He would like to offer an amendment to the original motion to set the parking fees for non-residents at $10 for the Harbor District.

Councilmember Hebert pointed out that resident park for free. This parking fee only applies to non-residents. They need to have as much revenue as possible to be able to build a parking garage.

Councilmember King stated that he would support increasing the parking fee to $15, which is just a bit more than what other places charge for parking.

Councilmember Hebert moved to amend the motion by reducing the parking fee for non-residents at the Harbor District from $20 to $15, seconded by Councilmember Sweetser. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

Motion by Councilmember Hebert, seconded by Councilmember King, to adopt Resolution 23-06 – Schedule of Fees, as amended, passed 5-1 (Council members Schmidt, King, Hebert, Geile, and Sweetser voted "yes"; Councilmember Destin voted "no"; Councilmember Bagby was absent from the meeting).

Councilmember Destin moved to reevaluate the city's contract with Passport, Inc, the city's current parking software provider, and consider contracting with a different provider; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

C. Captain Royal Melvin Heritage Park's Rules and Regulations

The City Manager noted that with the opening of Captain Royal Melvin Park in the near future, staff is requesting the Council's guidance on operating policies within this park due to its unique location and circumstances. Staff's recommendations are as follows:

1. Operating Hours for park amenities, including restrooms. Staff recommends operating hours be established from sunrise to one hour after sunset.

2. Since the park provides access to and from the City's Marler Parking Lot, staff is recommending that the Council allows the public to traverse the park north and south after operating hours with the caveat of "No Loitering in the park after hours".

3. The park is located in the "festive marketplace" where open alcohol is allowed. Allow open alcohol in the park as well. There are currently two exemptions to the alcohol prohibition in parks that is outlined in Ordinance 15-64. Staff can bring back a revision to this ordinance adding an exemption for the park if the Council desires.

4. Water Taxi Stop. Allow a Water Taxi Stop to be established on the boardwalk adjacent to the park.

5. Leashed dogs are permitted on the harbor boardwalk. Staff recommends allowing for leashed dogs in the park and, if approved, will install dog waste stations.

It was the consensus of the council to establish operating hours for the park from sunrise to midnight to allow people time to use the bathroom facilities during the busiest time of the night, which is around 10:00 PM. Overnight stay will not be allowed.

Councilmember Geile recommends adding some stipulations in the ordinance or resolution that water taxis deliver passengers to a land-based dock.

Councilmember Schmidt recommends sub-contracting bathroom cleaning.

Councilmember Sweetser stated that if they approve sub-contracting bathroom cleaning for this park that they should also consider sub-contracting bathroom cleaning for other city parks.

Councilmember Schmidt moved to direct the City Manager to bring back the required ordinance and/or resolution revisions to adopt the operating policies as presented for council's approval; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

D. Permit Processing Criteria and Timeline

Community Development Director Louis Zunguze stated that pursuant to the council's direction, staff has simplified the application process for all permits and approvals into three classifications. These classifications enable staff to process applications methodically and efficiently. He presented the following information:

City Council Directive:

- Develop criteria for simplifying the permitting process.

Context of Development Review Approval and Permitting

Elements of Development Review Approval and Permitting Process:

- Clarity of regulations and requirements
- Clarity of processes for review
- Effective application review and permitting tools (system)
- Personnel

Current Status – Development Review Approval and Permitting Process

- Clarity of regulations and requirements
    - Land Development Code rewrite.
- Clarity of processes for review
    - Permit Classification
        - Class I
            - Permit Type: A/C change out, water heater change outs, service meter change outs, master permit sub
            - Review and approval: Permit tech only review (Requires No Florida Building Code (FBC) information for building official review)
            - Review time: 2 business days
        - Class 2:
            - Permit Type: Shutters, doors, windows, roofing, doors, windows, roofing, doors, windows, roofing, solar, interior renovations (non-commercial) permits. Right-of-way, repair and replacement of roadways, sidewalks, access points, or other infrastructure in the right-of-way permits.
            - Review and Approval: Building or Engineering Division Only review.
            - Review Time: 3-5 business days
        - Class 3(a):
            - Permit Type: New structures & additions (commercial & residential), marine, fences, walls, gates, driveways, walkways, pathways, pools, etc.
            - Review and Approval: Multi-Divisional Review – Building, Planning, and Engineering (Requires both FBC and LDC related information).
            - Review Time: 5-10 business days
        - Class 3(b):
            - Permit Type: Major DO, PUD, Major Subdivision, Major Deviation, Minor DO, Minor Subdivision, Lot Split, Minor Deviation, Simple Deviation, Variance, Change of Use.

- Review and Approval: Multi-Divisional Review – Building, Planning and Engineering and External City Partner Review (DWU, Fire District, etc.).
- Review Times: See chart below:

- Effective Application Review and Permitting Tool (System)
  - Compass
- Personnel
  - Availability and quality of personnel.

Productivity and Revenue Generation Improvements

- Since the inception of COMPASS, the average processing time for all permit types has improved.
  - Class 1 permits previously took approximately 13 business days to issue and now only take 2 business days. This is an 84% improvement.
  - Class 2 permits previously took approximately 33 business days to issue and now only take 5-10 business days. This is an 85 improvement.
  - Class 3(a) permits previously took approximately55 business days to issue and now only take 5-10 business days. This is a 91% improvement.
- The building permits issued from FY21 to FY22 increased from 3,775 to 5.743. This is a 31% increase.
- There has been an increase in revenue from FY21 to FY22 from $1,183,599 to $1,736,656. This is an increase of 46.72%.

Councilmember Destin requests that the City Manager work with the Community Development Director in facilitating a meeting with a group of engineers, contractors, and members of the public and bring back a progress report and any recommendations to the city council.

Mr. Zunguze noted this is a dialogue that they are encouraging; adding that the City Engineer has come up with the design components for roadways, driveways, and so forth, and that they will be incorporating those into the new Land Development Code as part as the design manual. These are going out to all the engineers they associate with for their inputs. Staff will convene a meeting with them to discuss how it will impact their operations.

Motion by Councilmember Destin, seconded by Councilmember Hebert, to appoint Councilmember Geile as the council liaison to staff and the group of engineers, contractors, and the public passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

E. Linear Park Update

Grant/Project Manager Jeffrey Cozadd informed the council that city staff held several meetings with DAG Architects Group recently to negotiate a contract for the design of Linear Park. Due to the complexity of the project, DAG has requested that they have until May 10th to develop a fee schedule and project schedule that would be necessary for executing a contract and task order. A contract will be brough before the council at the May 15 council meeting. He continued that initial discussions with DAG have indicated that they believe they will need additional time beyond the current grant ending date for them to complete the design and secure all the necessary permits. Based on this information, the city staff has initiated a grant extension request with FDOT, which is currently being routed for signatures.

Councilmember Destin recommends instructing the City Manager and DAG Architects to cease working on the road until the park design is completed; adding he does not believe council has ever voted to build the road. He stated they are getting a pushback from Florida Power and Light primarily because they are trying to put a road down with 1,000 feet of their power transmission easement.

Councilmember Geile pointed out that since there is no additional cost incurred and no timeline delay, it may be beneficial to go ahead and design the road now in case they decide to consider the road in the future, at which time there may be extra cost incurred and create a bigger timeline. He recommends going for the complete package now, selecting the part they want, and leaving an option open for the future.

According to Councilmember King, there seemed to be a consensus that building the road is a bad idea and so eliminating it now may be the best move they can make since they are in dire need for more greenspace.

Councilmember Schmidt pointed out that they are not approving any design tonight. The DAG Architects Group will come back with a proposed agreement and prepare a task order which could be broken down into two separate designs – a road design and a park design.

Councilmember Destin noted they cannot use the Linear Park grant to design a road. They will be putting the grant at risk by designing the road now. Florida Power and Light does not want the road there because it could become disruptive with their transmission lines than a nature trail or linear park, and they may not actually give their permission to do so.

Councilmember Destin moved to direct the City Manager to have DAG Architects pursue the first part of the design for the Linear Park and not go forward with any road design as it pertains to this issue; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

F. Pickleball Update

The City Manager noted that he was previously directed by the city council to enter into negotiations with the Emerald Coast Fitness Foundation (ECFF) and the Mattie Kelly Arts Foundation (MKAF), and to bring back to the council an interlocal agreement for their consideration. He continued that they have received feedback from ECFF . The City Attorney has had brief discussions with MKAF's attorney regarding the agreement but has yet to receive any feedback form MKAF as of the publication of this agenda. They expect to bring back an agreement among the 3 parties involved by the next city council meeting at which time they hope to receive direction from the council on how to spend the $400,000 allocated for this project.

Councilmember Schmidt moved to direct the City Manager to work with city staff to bring back by the first meeting in June a cost comparison between the city purchasing land and building pickleball courts on those properties versus donating money to another entity and building the pickleball courts on their land. Councilmember Hebert provided a second to the motion which passes 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

G. Announcements

1. The 24th Annual Founder's Day Celebration will be held Saturday, May 6th, from 11:00 a.m. to 12:30 p.m., at the Destin Community Center.
2. Utility wraps have been scheduled; one in particular in honor of Kohltan Ward, will be put in placed on May 10th. The city's Community Development and Public Information departments have met with the Ward Family to schedule something meaningful for the unveiling that conveys a message of safety and encourages blood and organ donations.
3. May is National Building Safety Month, and in addition to a proclamation, there are also several posts and publications that are being distributed to the public about that event.
4. The Destin Library is putting on a Blackout Poetry Craft Night on Friday, May 12th, at 6:00 p.m., and pre-registration is required for this event.
5. Today is the official start of the sea turtle nesting season and the city is distributing specialized red flashlights at schools. These flashlights are also available at City Hall while supplies last.
6. The city is updating its hurricane guide and will make it available to the public shortly.
7. City Council Workshop on the Harbor Capacity Study is scheduled for May 4th, beginning at 5:30 p.m., in the City Hall Annex Council Chambers.
8. The city and H&T Contracting have started the work out on Scenic Hwy 98. There will be milling and resurfacing taking place in that area. The project is expected to be completed by Memorial Day holiday.
9. The Human Resources Director has been hosting training sessions and trying to help staff becomes more involved in the city's retirement program. There had been a 38% increase in participation and taking advantage of the opportunity.

5. PUBLIC HEARINGS

A. Second reading of Ordinance 23-04-CC - which amends the code of ordinances to establish a code compliance lien reduction application process and criteria for the reduction of code compliance liens; amending chapter 14 "offenses and miscellaneous provisions", creating section 14-86, "application to the city council for reduction of existing code compliance lien"; creating section 14-87, "required criteria for the reduction of existing code compliance lien"

The City Attorney read Ordinance 23-04-CC by title, and then presented it to the city council on second reading:

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES TO ESTABLISH A CODE COMPLIANCE LIEN REDUCTION APPLICATION PROCESS AND CRITERIA FOR REDUCTION OF CODE COMPLIANCE LIENS; AMENDING CHAPTER 14 "OFFENSES AND MISCELLANEOUS PROVISIONS", CREATING SECTION 14-86, "APPLICATION TO CITY COUNCIL FOR REDUCTION OF EXISTING CODE COMPLIANCE LIEN"; CREATING SECTION 14-87, "REQUIRED CRITERIA FOR REDUCTION OF EXISTING CODE COMPLIANCE LIEN"; 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 and turned the matter over to the city council for their discussion and consideration.

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to adopt Ordinance 23-04-CC on second reading passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

B. MRD Associates, Inc., on behalf of Mike Abadie of ABC Amusement Co, has submitted an application for City Council review for the construction of a ±3,346 square foot, 200' long, 16-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility at 530 Harbor Boulevard, along with a boardwalk that spans from the property line to property line. Approximately 27 timber mooring piles shall be installed within the slips.

The City Attorney sworn in the following individuals for testimony:

Principal Planner Steve O'Connor
Mike Abadie of ABC Amusement Co.
Michael Dombrowski of MRD Associates, Inc.

The City Attorney asked whether the mayor or any member of the council has had any ex-parté communications with regards to the proposed project. The mayor and each member of the council responded "none."

The Land Use Attorney corrected the portion of the agenda report that identified the size of the dock to be 3,346 square feet. She stated that the correct dock size is 3,436 square feet.

The Land Use Attorney requests that the staff report and all its exhibits be entered into the record as the city's Composite Exhibit A. Having no objection from the applicant, the aforementioned documents have been entered into the record as Staff Exhibit A.

Mr. Michael Dombrowki of MRD Associates, Inc. presented the proposed project to the council. He stated that the city council previously reviewed a larger project proposed by the applicant, which was to construct a 4,353-square-foot, 17-slip wooden dock to the east of the existing 20-slip Gilligan's docking facility. At that time, approximately 36 timber mooring piles were proposed to be installed within the slips. In connection with that prior application, the Board of Adjustment approved a variance to allow an increased dock length to 262' based on the identified shoal at the proposed dock location. However, the city council denied the application at the time. The applicant has reduced the application such that it meets the requirements of the Land Development Code and no longer requires a variance. The current proposed dock length is now 200'. A Board of Adjustment variance is not required for the current request as the dock plans have been revised to comply with the Land Development Code dock length limits.

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

Mr. Randy Taylor, a Destin resident, distributed some documents showing previous and current dock submissions. He stated that there seemed to be a difference in the 200-foot offset line drawn in the original submission and the current submission; adding that the offset lines seemed to be drawn to accommodate the dock. He urged the council to study the documents closely to ensure the accuracy of the 200-foot offset lines and obtain some clarity as to why it is different in the two drawings before they vote on this project.

Having no further comments from the public, the mayor closed the public hearing and turned the matter over to the applicant.

Mr. Dombrowki, responding to the question posed by the previous speaker, noted that the lines in the two drawings are exactly the same, and that the proposed location for the new dock is also the same. He also pointed out that they took away the big boat slips at the southern end. The owner wanted to try to maintain as many boat slips as possible and so he looked at what he has in terms of reservations for the different boat slips and the size for the different boat slips to be able to make the necessary adjustments.

Having no further comments from the applicant, the mayor turned the matter over to the city council for their discussion and consideration.

Councilmember Geile noted that the drawings provided by the previous speaker showed a slightly rounded sharper edges on one of the drawings; however, if they mark the offshore lines to the peak structure, it will show that they are within the same boundary line. The critical points fall within that line on both drawings. There are some variations, however, at the key points at the end of the dock and the edge of the riparian rights line fall within the peak structure.

Councilmember Hebert moved for approval of the Commercial Marine Construction project located at 530 Harbor Blvd with the condition provided, subject to the applicant meeting all applicable federal, state and city permitting requirements; seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

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

A. Councilmember Sweetser

B. Councilmember Geile

Councilmember Geile brought up an issue at the March 20th city council meeting when the council made a motion to direct staff to come up with some parking options for the Harbor District non-resident employees and bring it before the Public Works/Safety Committee for their review and recommendations to the city council. However, when it was brought before the council at their April 17th meeting, the word "employees" was removed from the agenda report with no explanations and did not follow the motion approved by this council. He cannot find it anywhere where the original motion was amended. He feels there are protocols that were bypassed, which is not acceptable.

Councilmember Hebert explained that when she worked on this issue with the former Deputy City Manager, they looked at doing something for the non-resident employees and making parking more affordable for them. It was decided that they propose making it an annual parking fee for non-resident employees and encouraging the employers to pay the annual fee for those employees that stayed on for at least 3 months. This would encourage the employees to stay on and be loyal to the business knowing they would be reimbursed by their employers for the parking fee. She added that perspective may have been shifted and the word "employees" was inadvertently removed from the report.

Councilmember Geile maintained that the motion they approved involved the employees and the item presented on the agenda was presented in a different way; adding that any motion adopted by the council should not be altered without it going back to the council for approval.

According to Councilmember Destin, the best solution may be to direct the City Clerk to ensure the official motion of the council is reflected in the agenda item so they could all see it as they review the item and make sure the motion is consistent with the item being presented.

Motion by Councilmember Destin, seconded by Councilmember Hebert, to direct the City Clerk to have the official motion reflected in the agenda item passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

C. Councilmember Destin

Councilmember Destin noted that as the council liaison he has had some discussions with Florida Power and Light representatives about utility undergrounding. He understands that they have to have easements in place to go forward with the undergrounding along US Hwy 98. They need to know how many easements they have already obtained and the deadline for obtaining the required easements.

Councilmember Destin moved to direct the City Manager to provide a monthly progress report on the acquisition of easements required to go forward with the undergrounding project along US Hwy 98; seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

D. Councilmember Bagby
E. Councilmember Hebert

1. Main Street Speed Hump Update.
    a. Near Lakeside Drive
    b. Near Planet Drive

Councilmember Hebert requested an update on the status of speed humps they plan to place on Main Street.

Public Works Director Michael Burgess stated that city staff has been trying to identify the appropriate locations for the speed humps for the north section of Main Street. They have decided on two spots where they believe speed humps would be most effective and have received a quote from the asphalt contractor for the city for approximately $12,000. Typically, funding will come from their traffic safety funds, but there is only $1,200 remaining in that account for FY 2023. They are about $9,500 short, and so they will need to identify another source of funding for that project.

According to the Finance Director, the rest of the money can be taken from the Council Contingency Fund. There are other funds that are restricted for their purposes, and so they cannot be used for this project.

Councilmember Destin stated that they can always shift money later on, if necessary. But these speed humps are important, and that the speed humps they placed on Calhoun Avenue are extremely effective in slowing down traffic.

Councilmember Hebert moved to take $9,500 from the Council Contingency Fund to place speed tables on Main Street. Councilmember Destin provided a second to the motion.

Councilmember Sweetser noted that Kelly Street is another location where speed humps can be very effective in slowing down traffic which is of utmost importance because of the elementary school in that area. Since it is also a residential area, he would like to see how the majority of the residents feel about it.

Councilmember King stated that a lot of times, the speed problem is caused by a few people only. There is a process in place, such as a traffic study, and he would like to start implementing that process or they will have speed humps all over this town.

Mr. Burgess noted that the council has tasked the Public Works/Safety Committee to take a holistic review of the speed humps approval process and bring back some ideas and recommendations to them.

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

F. Councilmember King
G. Councilmember Schmidt

Councilmember Schmidt facilitated the discussion regarding the process of building a parking garage.

The City Attorney noted that the previous council put out an RFQ for a public-private partnership for the cost, maintenance, and management of a parking garage a few years back. They received a response, but then elected not to go forward with it. He stated this is just one example and that there are other routes this council can take to construct a parking garage.

Councilmember Schmidt moved to direct the City Manager to publish an RFQ within the next 90 days for a public-private partnership to build a parking garage on Zerbe/Sibert location; seconded by Councilmember Hebert.

Councilmember Destin noted that the reason the public-private partnership did not go anywhere was because the potential private partner requested that the city provide several stories of commercial/residential facility on top or below the parking garage. He offered an amendment to the motion to publish an RFQ for a consultant that will advise the city on how to go about the process of building a parking garage through a public-private partnership.

Councilmember Schmidt offered an amended motion to direct the City Manager to publish an RFQ within the next 90 days for a consultant that will advise the city on how to go about the process of building a parking garage through a public/private partnership; seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

Councilmember Schmidt requested an update on the status of Clement Taylor Park construction.

According to the Grants/Project Manager Jeffrey Cozadd, he has not received any updates from the county or US Treasury. The money has been earmarked for the project at the board level but has not gone through the system for allocation at the US Treasury level.

The City Manager noted they have not received a Notice to Proceed from the federal government.

Councilmember Schmidt asked if there is a way to expedite the process at the US Treasury level since the money has already been reserved for the project.

According to Mr. Cozadd, since the county is the recipient of the funding, they would be the one to initiate that conversation with the US Treasury.

Councilmember Destin moved to direct the City Manager to bring back a Resolution for council to adopt and send to their legislative delegation and State Representative Gaetz to assist in initiating the Clement Taylor Park construction. Councilmember Schmidt provided a second to the motion, which passes 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

Next, Councilmember Schmidt inquired as to the status of the RFQ for the Town Center.

Mr. Cozadd noted that three firms have been invited to present their proposal to the city council on May 15th. At which time, the city council can select one of the firms to move forward with the negotiation.

Councilmember Schmidt moved to allow the 3 firms that submitted their bid for the Town Center RFQ to present their proposal to the city council at the May 15th city council meeting, seconded by Councilmember Geile. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

Next, Councilmember Schmidt offered a motion to direct the City Manager to postpone the hiring of a Deputy City Manager until after the July City Council Budget Workshop session, seconded by Councilmember Hebert.

The City Manager expressed his disagreement with the motion stating that the budget is a legal document that was approved by the council for this fiscal year with the Deputy City Manager position included. He also stated that they have already advertised for the position, which is an administrative function of his office, and are already receiving applications for the position.

Councilmember Destin stated that he would not oppose having an Assistant City Manager to assist the City Manager until they get through the budget process; adding that the hiring of the Deputy City Manager would be contingent upon the vote of the council. He would not be in favor of hiring a Deputy City Manager at this time.

Councilmember Destin asked the City Attorney how the council can prohibit the hiring of the Deputy City Manager if it is a budgeted item already. He continued that the council should have the authority to change the budget if they so desire.

According to the City Attorney, the council has the authority to amend the budget through their normal budget amendment process.

Councilmember Destin offered a substitute motion for the council to go through the budget amendment process, and to direct the City Manager to bring back a budget amendment while providing him the opportunity to discuss this matter with each member of the council. Motion seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

H. Mayor Wagner

1. Annexation Policy

Mayor Wagner requests a motion from the council to direct staff to bring back the annexation policy and to place this item on the agenda under the Land Use Attorney for discussion at the next council meeting.

The Land Use Attorney noted that the annexation policy she prepared back in December was related to the process and not site specific. The annexation process she prepared and was put on hold was a policy that incorporated state law for the city, what application materials have to be submitted, what the applicant for the annexation have to do. It mirrors state statutes requirements, but it also provides more specific requirements for the City of Destin. She continued that staff has also prepared a staff report that discussed annexation of certain properties and prioritization of these properties.

Mayor Wagner stated he would like to discuss the annexation process and the enclave process of Commons Drive west of Home Depot.

According to the Land Use Attorney, she could bring back the policy that incorporates the state law and information in the form of a staff report on how to proceed with the county on the enclaves. She added that the goal of this first grouping is to work with the county and see if the city could enter into an interlocal agreement with the county.

Councilmember Schmidt moved to direct staff to bring back the annexation policy as well as the information on how to proceed with the county on the enclaves and place it under the Land Use Attorney's name at the next council meeting passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

I. Land Use Attorney

The Land Use Attorney informed the council that the initial asking price for the property on 1 Harbor Blvd is $12 million, which is significantly over the appraisal amount. She asked for council's direction whether they want her and the City Manager to continue pursuing this property and to try to enter into a contract that will be subject to council's approval.

1. Update on 1 Harbor Blvd. (Property adjacent to bridge) per City Council Directive on April 17, 2023.

Councilmember Hebert moved to direct the City Manager and Land Use Attorney to continue to negotiate with the property owner and try to enter into a contract that will be as close to the appraisal value as possible, and which will be subject to council's approval; seconded by Councilmember Schmidt.

Councilmember Destin pointed out that a certain amount above the appraisal value of the property would require an extra-ordinary vote of the council; and so, the seller should bear this in mind during the negotiation.

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

The mayor noted that there is a large Lamar billboard on that parcel. There is also a plan for Lamar Advertising to approach the city and present a proposal regarding their multiple signs in the city because the life span of these signs is getting shorter. He asked if staff could determine the structural integrity of the large sign on the property and whether to consider it a safety hazard.

The Building Official stated that she would need to consult with the city's engineering consultant with regards to the structural integrity of that billboard.

There was a brief discussion whether it is a good idea to have someone set foot on the property to determine the structural integrity of the billboard during the negotiation process. There was a general consensus to delay it until after the negotiation and to ask Lamar Advertising to present their proposal to the council sooner rather than later.

Councilmember Hebert moved to direct staff to have Lamar Advertising present their proposal to the city council as soon as possible; seconded by Councilmember King. Motion passed 6-0. (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

J. City Attorney

1. Council Executive Session

Councilmember Schmidt moved to schedule a Council Executive Session on Monday, May 15th, at 5:30 PM on the Scott Berish vs. City of Destin case, seconded by Councilmember King. Motion passed 6-0 (Council members Schmidt, King, Hebert, Destin, Geile, and Sweetser voted "yes"; Councilmember Bagby was absent from the meeting).

7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 9:42 PM.

Bobby Wagner, Mayor

SEAL

ATTEST:

Rey Bailey, City Clerk