

**REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 2, 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 Jim Bagby

Councilmember Kevin Schmidt
Councilmember Dewey Destin
Councilmember Johnny King
Councilmember Matthew Sweetser

Destin City Staff

City Manager Lance Johnson
City Engineer Ryan Scott
IT Director Andy Peters
Parks/Rec Deputy Director Ryan Reed
Library Director Wen Levingston
Finance Director Krystal Strickland
Public Information Manager Tamara Young
City Attorney Kimberly Kopp

City Clerk Rey Bailey
Public Works Director Michael Burgess
Community Development Director Louis Zunguze
Parks/Rec Director Lisa First
Grants/Project Manager Jeffrey Cozadd
Code Compliance Director Troy Williams
Building Official Noell Bell
Deputy Code Compliance Director Brian Davis

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Bobby Wagner called the meeting to order at 6:00 PM. The mayor called for a moment of silence, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

The agenda was amended as follows:

- Agenda item 4A moved up to the top of the agenda.
- Agenda item 3A tabled to the next council meeting.
- Consent Agenda item 3D to be pulled for discussion.
- Placed Board / Committee Consolidation topic under Councilmember Hebert's name on the agenda.

Motion by Councilmember Bagby, seconded by Councilmember King, to approve the agenda, as amended, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

First item discussed was agenda item 4A - RFP NO. 23-10-ENG Phase 1 Utility Ground Conversion

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

A. Choctawhatchee Basin Alliance (CBA) - Program and Water Quality Update

Ms. Kayla Wingard, CBA Monitoring Coordinator, gave the following presentation:

- Mission: Choctawhatchee Basin Alliance is a non-profit organization responsible for promoting swimmable, fishable waterways in our community through monitoring, education, restoration, and research
- In 2003, the City of Destin was mandated to comply with state regulations regarding water quality. The NPDES permit was designed in two phases:
 - ❖ The City of Destin must regulate stormwater runoff using best management practices (BMPs).
 - ❖ The municipal separate storm sewer systems (MS4) program comprises six elements that, when implemented in concert, are expected to result in significant reductions of pollutants discharged into receiving water bodies.
 - ❖ CBA partners with City of Destin to fulfill these NPDES requirements.

Public Education and Outreach

- CBA provides education programs to school-age students, and the public, focused on place-based environmental science.
- **Destin Middle School**
 - ❖ 5th grade Destin students participated in Grasses in Classes (GIC)
 - Salt marsh grasses grown at school
 - ❖ CBA Education staff teach stormwater and environmental education with hands-on lessons in schools
 - ❖ End-of-year field trip with CBA staff and Volunteers at a Living Shoreline in May
- **CBA Partnered with Destin- Fort Walton Beach Little Adventures Summer Education and Outreach Program to provide students hands-on exploration at the beach.**
- CBA presents current research and focused information in monitoring, restoration, and research for community groups. Recent events include:
 - ❖ **Destin Forward, Waterways Day September 14, 2023. Captain Leonard Park, Destin, FL.**

- Focus on CBA mission, green infrastructure, water quality impairments and improvement projects
- ❖ **Panhandle Fly Fishers Club**, September 11, 2023. 724 Legion Drive Destin, Florida
 - Focus on CBA mission, recent water quality research, living shoreline projects, volunteer opportunities

Volunteer Water Quality Monitoring

- Monthly sampling and data collection at **six** stations
- Monthly sampling in the Destin Harbor—an opportunity to train volunteers and engage community leaders and stakeholders, with the assistance of Luther's Pontoons
- One open position for a City of Destin volunteer (Joe's Bayou/Indian Bayou)

CBA Destin Quality

- In-the-Field
 - ❖ Temperature
 - ❖ Dissolved Oxygen (mg/L and % saturation)
 - ❖ Specific Conductivity
 - ❖ Salinity
 - ❖ pH
 - ❖ Turbidity
 - ❖ Clarity (Secchi dish)
- Samples for Lab Analysis
 - ❖ Total Phosphorus
 - ❖ Total Nitrogen
 - ❖ Chlorophyll

CBA Destin Water Quality

Numeric Nutrient Criteria (Florida DEP standards)

Annual Geometric Mean (AGM)

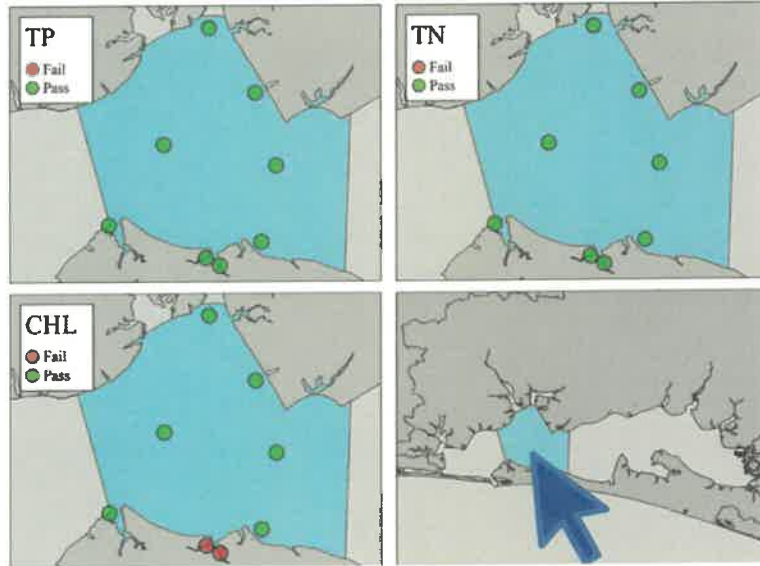
Middle Bay	West Bay
Phosphorus: 0.020 mg/L	Phosphorus: 0.049 mg/L
Nitrogen: 0.36 mg/L	Nitrogen: 0.54 mg/L
Chlorophyll: 3.1 µg/L	Chlorophyll: 4.1 µg/L

CBA Destin Water Quality

2022 Middle Bay Results

Stations Destin-2 and
Destin-3 fail for
Chlorophyll

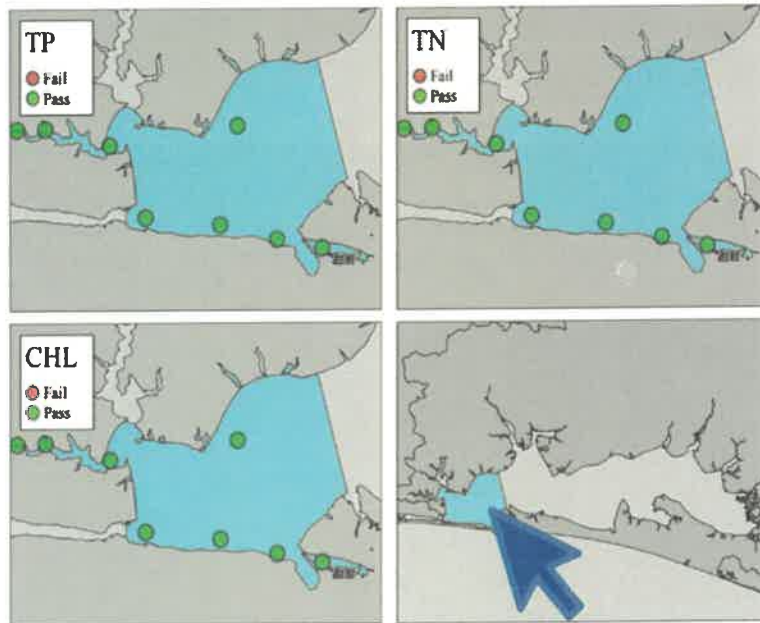
However, Chlorophyll
levels are decreasing
over the last 10 years



CBA Destin Water Quality

2022 West Bay Results

All stations pass for Total
Phosphorus, Total
Nitrogen, and Chlorophyll



Pollution Prevention/Good Housekeeping



Monofilament Recycling

Approximately **1.36** cubic yards of monofilament fishing line recycled in Destin last period (Apr–Sep).

5 Destin Stations: Destin Harbor (4), Joe's Bayou Boat Ramp (1)

1 volunteer at Destin Harbor
Open position for a volunteer at Joes Bayou



Dedicated to the Future of Fishing™



Pollution Prevention/Good Housekeeping

OYSTER Shell Recycling

4 Destin Restaurants: Back Porch, Boathouse, Brotula's, and Johnny O'Quigley's

130+ tons of oyster shell collected for period (Apr–Sep)

One Shell staging site located in Fort Walton Beach, helpful for Okaloosa County restoration projects



Councilmember Bagby requests the City Manager reach out to the Health Department and ask if they will start testing on the harbor side of the park on Norriego Point for fecal coliform and report back at the next council meeting.

2. PUBLIC COMMENTS

Mr. Guy Tadlock, a Destin resident, noted that under the topic of Residential Development Construction Parking Plans, which will be discussed later tonight, the LDC amendments as described in Option 3, which staff will be recommending to the council, could probably create more of an issue rather than help the residents that are around a lot of constructions. One size does not fit all, so this option will not work for the entire community. He suggests challenging the builders to do what they can to make this situation better, such as doing a better job scheduling bringing in building materials, and other things that can work much better, so residents do not have to be inconvenienced day in and day out.

Ms. Marcie Bell, a Destin resident, addressed the same topic brought up by the previous speaker. She stated that she is a member of the Public Works/Safety Committee that made the recommendation for the council to approve Option 3. She was not present at the meeting when this particular topic was presented to the committee as she was out of town, so she was not able to provide her opinion on the matter. However, she had provided some information to the council in the past with regard to this matter and so she is asking the council to take those into consideration as they decide.

3. CONSENT AGENDA

- A. Resolution 23-21 Schedule of Fees
- B. 2024 Okaloosa County Public Library Cooperative Interlocal Agreement
- C. Four Prong Lake Conduit, authorization for City Manager to issue a Purchase Order, ARPA funding
- D. Okaloosa County Sheriff's Office Service Agreement FY24
- E. McGuire's Irish Pub Annual Halloween Run ROW Request
- F. Approval of minutes of September 18, 2023 Regular City Council Meeting
- G. Minutes of Boards & Committees

Councilmember Hebert moved to approve Consent Agenda items 3B, 3C, 3E through 3G; seconded by Councilmember King. Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

There was a brief discussion relative to Consent Agenda item 3D - Okaloosa County Sheriff's Office Service Agreement FY24. Councilmember Schmidt asked if the City of Destin did not have this contract with the county sheriff's office whether there are any county or state requirements for the county to still provide law enforcement services to the city.

According to East District Captain Jason Fulghum, with the Okaloosa County Sheriff's Office, the county does not have that responsibility since the City of Destin Charter requires the city to provide law enforcement services for itself.

Councilmember Destin stated that the county has an obligation to provide law enforcement to the City of Destin since the city pays 30% of the county's taxes from which the county's law enforcement budget is derived. What the city is paying for now is enhanced law enforcement, which is a lot cheaper than having its own police department.

Councilmember Bagby agreed with Councilmember Destin that the county is obligated to provide basic law enforcement coverage to the city if the city does not have their current contract with the county which provides enhanced services. He added that under current contract, the county only assigns one marine patrol deputy which is hardly enough based on what they experienced this summer with Crab Island and this problem is going to get worse. He asked the county sheriff's office to consider this situation.

Capt. Fulghum noted there are 4 other marine deputies that work in the Destin Harbor and in the bayou which are not being paid for by the City of Destin but by the Tourist Development Department.

Motion by Councilmember Bagby, seconded by Councilmember Hebert, to approve the 2024 Law Enforcement Service Agreement to provide law enforcement services to the City of Destin by the Okaloosa County Sheriff's Office from October 1, 2023, to September 30, 2024, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

4. CITY MANAGER REPORTS

A. RFP NO. 23-10-ENG Phase 1 Utility Ground Conversion

Mr. Mark Porter of the Utility Consultants of Florida briefly discussed the specifics of the Request for Proposal (RFP) that his firm prepared for the procurement of a Florida Power and Light (FPL) – approved general contractor to conduct the conversion of overhead utilities to underground.

Councilmember Bagby requests that either Utility Consultants of Florida or city staff develops a GIS map showing the exact electrical line locations underground and provide that information to the city council.

Motion by Councilmember Schmidt, seconded by Councilmember Hebert, to direct the City Manager to release the RFP 23-10-ENG as presented, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

The next item discussed was agenda item 1A - Choctawhatchee Basin Alliance (CBA) - Program and Water Quality Update

B. Parks Foundation By-Laws

The City Manager noted that in recent years, the city has been approached by many individuals wishing to donate land and money for parks and recreation activities. While the City holds a federal tax and state sales tax exempt status, it does not have the budgetary fund accounting

flexibility that is held by a non-profit to accept donations and to ensure funds are expended for their restricted (or unrestricted) purpose. In addition, as a small governmental unit, the City of Destin would not be found in the IRS's Tax-Exempt Organization database. Donors wishing to give tax-deductible charitable contributions have a more transparent pathway by giving to a charity or non-profit that has received an IRS determination letter recognizing the organization as tax-exempt and that completes an annual 990-Series tax return. Staff propose creation of a 501(c)(3) Charitable Organization. They would like to keep the purpose and powers of the Destin Parks Foundation very broad, to allow the organization to conduct any business that will not result in losing its tax-exempt status, with the general purpose of receiving donations and grants in any form (land, cash, equities, bequests) to be granted, conveyed, or expended in support of Parks within Destin city limits.

Staff recommends that the Council appoint a Council Member or the Mayor to reach out to the community and encourage the community to establish the Foundation and its initial board, with assistance as needed from the City.

Motion by Councilmember Bagby to appoint himself as the Legislative Sponsor to work with the community to help encourage the establishment of a Park Foundation and its initial board was seconded by Councilmember Hebert and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

C. Commons Drive Property Adjacent to the Morgan Sports Center

According to the City Manager, the property owned by the Coleman Kelly Trust and immediately adjacent to the Morgan Sports Center is on the market for sale. Given its strategic location, the City's acquisition of the subject property could be useful to its future endeavors relating to the Morgan Sports Center.

The subject property has potential strategic value to the City for additional parking. However, given the utility provider interests on the property that limit development, it is recommended that if a contract is entered into between the Seller and City, the City require written binding authorizations from the utility providers to pave the property for a parking area prior to closing and that if such authorizations cannot be obtained, the contract is cancelable at the option of the City, without penalty.

Councilmember Destin moved to direct the City Manager and City Attorney to negotiate with the subject property owner and real estate agent, and to perform further due diligence on the potential acquisition of the subject property. Motion seconded by Councilmember Bagby and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

D. Residential Development Construction Parking Plans

Building Official Noell Bell presented the following information to the city council:

- The council previously directed staff to bring back suggestions dealing with construction parking plans for residential developments due to citizen concerns about recent construction sites regarding the storage of

materials, equipment, and parking of vehicles in and around these sites, which spill onto to the Right of Ways (ROW), blocking sidewalks and roadways.

- The provisions in the **Land Development Code (LDC)** do not currently contain requirements for development or construction, parking and staging plans but do address the protection of the ROW.
- **LDC 8.01.00, A.3. *The developer and/or owner of a property abutting a ROW doing work on the ROW shall adhere to all applicable safety standards outlined by the FDOT and shall comply with the following additional requirements:***
 - ❖ *Restore the ROW to its original or better condition.*
 - ❖ *Prohibit unloading, loading, parking, or storing construction equipment or vehicles on the ROW. Adequate provisions for such activities shall be made on the project property.*
 - ❖ *Construct the accessways in such a way to minimize sediment tracked or discharged onto the roadways.*
 - ❖ *Replace existing infrastructure, including, but not limited to, concrete curbing, driveways or sidewalks in the ROW, which are damaged during construction. Such a replacement shall be replaced to the nearest joint within ten working days or prior to the completion of construction in the area, whichever is earlier. Damage to road paving or stormwater facilities shall be repaired within five working days of such damage. No pedestrian or vehicle hazard shall be allowed. Maintain open handicapped accessible pedestrian way during construction at all times.*
- Additional items written under protection of the Right-of-Way (ROW) are as follows:
 - ❖ *Parking of a vehicle in a ROW shall be limited to designated areas that have been stabilized with an all-weather surface. Parking in other ROW areas are prohibited except for occasional parking in areas zoned residential. Occasional is defined as an irregular or infrequent occurrence. Storage of trailers or vehicles in ROW is prohibited.*
 - ❖ Research into our neighboring counties and cities revealed that they have similar rules for the Protection of ROW as Destin and Florida Statutes, although Walton County has some specific language regarding temporary parking for construction vehicles in South Walton.

- ❖ Staff's intent is to provide a clear understanding of allowable or non-allowable use of the ROW during construction, that can be enforced by **Code Compliance**, and work within the constraints of residential areas. Staff believes with standards in place that outline the parameters of ROW use, a staging plan is not necessary for single-family residential construction, but recommends LDC amendments described in Option 3, below.

OPTION 1: (Refer to Option 1 within the Construction Parking Exhibits)

- ❖ Maintain and uphold the current LDC code as written for ROW protection.

OPTION 2: (Refer to Option 2 within the Construction Parking Exhibits)

- ❖ Use of part of the ROW is acceptable but must maintain 5' off roadway.
- ❖ Do not block any sidewalk.
- ❖ No overnight storage in ROW.
- ❖ Allow loading and unloading only in the roadway part of the ROW at the project site but must provide proper FDOT traffic standards.

OPTION 3: (Refer to Option 3 within the Construction Parking Exhibits).

- ❖ Allow loading and unloading only in the roadway part of the ROW at the project site but must provide proper FDOT traffic standards.
- ❖ No public access is allowed between the roadway and the upland project site. Clearly mark the area as "Construction Zone Ahead" on each end of the ROW construction site.
- ❖ Close any adjacent sidewalks within the ROW of the project site and re-route according to FDOT standards.
- ❖ Maintain 5' clearance off of the roadway at all times at the project site, for any materials, equipment, parking, etc

Staff presented the item before the Public Works/Public Safety Committee on September 12, 2023. The Committee members voted unanimously, recommending the city council to approve OPTION 3. The Committee recommends including Option 3 in the Design Manual, along with the details of FDOT traffic Standards and signage standards.

Councilmember Geile stated that whatever solution they decide to implement, they would need to take into account that if they are not a little bit lenient or cooperative, the citizens will be the one to suffer. If contractors cannot park on driveways and have to find some other places to park their vehicles with all of their equipment, there will be an upcharge to citizens. There will be contractors that will be price gauging their citizens because of the difficulty in trying to deal with these requirements.

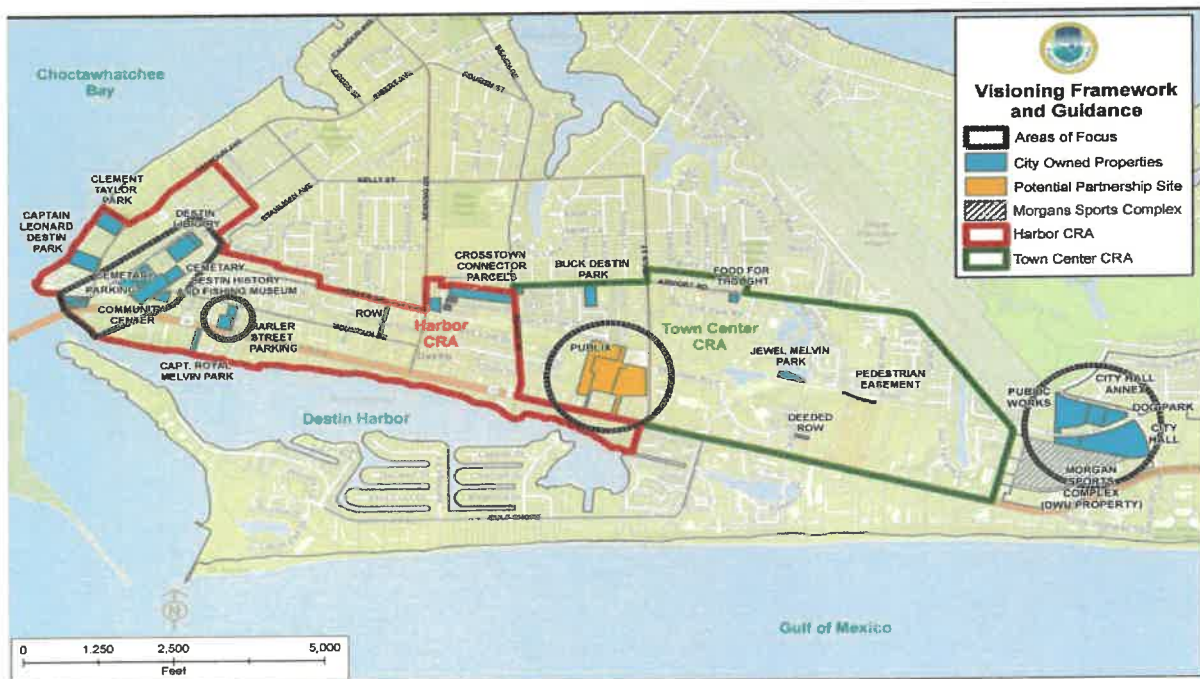
Motion by Councilmember Destin, seconded by Councilmember Bagby, to approve Option 3 as recommended by the Public Works/Safety Committee and direct staff and the City Attorney to prepare the required amendments to the Land Development Code, passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

Community Development Director Louis Zunguze gave the following presentation:

Community Development Director Louis Zunguze gave the following presentation:

- At the August 21st city council meeting, council requested a briefing from staff regarding the following:
 - ❖ Comprehensive planning for the utilization of the 1 Habor Boulevard property
 - ❖ What areas it encompasses
 - ❖ What ideas are being considered?
 - ❖ Plans for obtaining input from the public.
- There are a number of things that are coalescing/coming together that makes this an opportune time to discuss the need for a Comprehensive Visioning Framework.
 - ❖ Recent property acquisition
 - ❖ :Potential partnership
 - ❖ Comprehensive Plan/LDC Update
 - ❖ Baskerville-Donoval Highway 98/Stahlman Avenue Traffic Study, Analysis of Options for Pedestrian Walkway Under the Bridge, and Potential for Legislative Appropriations
- Elements to Consider
 - ❖ Most development in the city will come in the form of redevelopment.
 - ❖ Revisit past ideas and see which ones are still applicable.
 - ❖ Determine priority needs/projects.

The Framework: Location and Site



Framework for Community Engagement Process through the

Habor and Town Center CRAs

- What are the desired needs/projects?
 - ❖ Desired outcomes and objective
 - ❖ Activities, Functions and Spaces/Properties
 - ❖ Helps create a clear vision for development
 - ❖ Aligns the planning process with the community's needs and aspirations
- Where?
 - ❖ Logical to start within the two CRA's since the majority of city-owned property and potential property partnership are there.
- How do we get it accomplished?
 - ❖ Strategies and methods for realizing the vision
 - ❖ Design, integration and implementation of the different components
 - ❖ Practical steps, design principles, and policies required
- Consultant Involvement
 - ❖ Community Engagement
 - ❖ Defining the Vision and Goals
 - ❖ Assessment and Analysis
 - ❖ Design Guidelines
 - ❖ Phasing and Implementation
- Key elements for Success
 - ❖ Inclusive, flexible, and responsive to the needs of the community and the evolving development/urban landscape
 - ❖ Leveraging the expertise of our consulting team
- Next Steps
 - ❖ Proceed with this comprehensive approach
 - ❖ Bring the SRS contract to city council on October 16th.

Councilmember Bagby moved to direct staff to proceed with the Comprehensive Approach and bring the SRS contract back to council at the October 16th city council meeting for council consideration. Motion was seconded by Councilmember Hebert.

Councilmember Schmidt recommends taking into consideration the results of the upcoming meeting with the firm at Publix even if it means delaying bringing back the SRS contract to council.

Councilmember Geile requests that a complete list of city-owned properties and estimated value of those properties be made available to the council when the staff brings back the SRS contract.

Motion passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

F. Harbor Channel Dredging Study Proposal

Councilmember Geile moved to accept the Baskerville-Donovan proposal in the amount of \$20,580 and direct the City Manager to have staff move forward with an analysis of the condition of the Destin Harbor Channel once the survey work has been completed. Motion seconded by Councilmember Hebert and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted “yes”).

G. Announcements

The Destin Seafood Festival will be held Friday through Sunday (October 6-8). The City of Destin is co-sponsoring the event allowing the Morgan Sports Center parking lot as the shuttle site. The city also traditionally allowed the north section of the Marler Street Parking Lot to be used as the vendor staging area and waive the fees for that section of the parking lot.

Motion by Councilmember Destin, seconded by Councilmember Geile, to waive the parking fees for the vendors at the Marler Street Parking Lot passed 7-0.

1. The Code Compliance Department Community Workshop is scheduled for Monday, October 23rd, 6-7:30 pm, in the Annex Council Chambers.
2. The City of Destin will host an Open House on Wednesday, October 25th, beginning at 11:30 am in the Destin Community Center.
3. The City of Destin will hold its annual Fall Festival on October 30th at the Destin Community Center.
4. There is only one regular council meeting scheduled in November (Nov. 6th) and one in December (Dec. 11th).

5. PUBLIC HEARINGS

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

A. Councilmember Sweetser

B. Councilmember Geile

Councilmember Geile requests that Project Status Update be placed under his name on every council meeting agenda.

C. Councilmember Destin

Councilmember Destin recommends making the Historical Preservation Act a priority so they can start applying for grants that are available for historical preservation.

D. Councilmember Bagby

Councilmember Bagby moved to direct the City Manager to set up a meeting that will include himself, the City Manager, Public Works Director, representatives from the TDC, Taylor Engineering, and the Sheriff's Office, with regards to locating the Erosion Control Line on their beach, possibly in the area west of the county's park and in one of the city's crossovers. Motion seconded by Councilmember Schmidt and passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

Councilmember Bagby announced that the Legislative Delegation meeting for Okaloosa County is scheduled for October 23rd and that he would like for the City Manager or member of staff to present the city's priorities to the Legislative Delegation.

E. Councilmember Hebert

1. Board/Committee Consolidation

The council directs the City Manager and City Attorney to bring back some recommendations regarding consolidating some of the committees and boards.

F. Councilmember King

G. Councilmember Schmidt

1. Morgan Sports Complex baseball field improvements

Councilmember Schmidt moved to direct the City Manager to have staff modify the 4 fields at the Morgan Sports Center, as a bare minimum, to be able to play senior level baseball; seconded by Councilmember Hebert.

Councilmember Destin offered a substitute motion to direct staff to bring back a cost estimate for the modification of the ball fields, and how they could do it safely and efficiently by the November 6th council meeting; and that at the same time Councilmember Schmidt could approach the school board to see if they would be willing to partner with the city in trying to build the baseball fields on the parcel that they are trying to obtain passed 7-0 (Council members Schmidt, King, Hebert, Bagby, Destin, Geile, and Sweetser voted "yes").

2. Tourist Development Council (TDC) funding allocations

Councilmember Schmidt asked the City Manager to work with appropriate entities to bring back a report of the TDC bed tax collection amounts for the entire taxing district for the past 1½ year and then provide a quarterly report to council beginning in January 2024.

H. Mayor Wagner

I. City Attorney

There were no objections from the council to the City Attorney's request to have the next amendment to the Employee Manual be adopted by a resolution rather than by an ordinance.

7. PUBLIC COMMENTS

8. ADJOURN

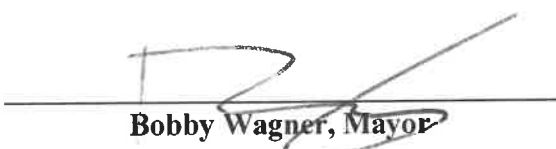
ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 8:37 PM.

ATTEST:



Rey Bailey, City Clerk



Bobby Wagner, Mayor