

**REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 4, 2024
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 John Stephens
Councilmember Kevin Schmidt
Councilmember Torey Geile

Councilmember Dewey Destin
Councilmember Jim Bagby
Councilmember Terésa Hebert

Destin City Staff

Interim City Manager Larry Jones
Public Information Director Tamara Young
Projects/Grants/Contract Manager Jeffrey Cozadd
Community Development Director Tina Deater
Deputy Comm Dev Director Steve O'Connor
Parks & Recreation Director Lisa Firth
City Attorney Kimberly Kopp

City Clerk Rey Bailey
IT Director Andy Peters
Principal Planner Daniel Butler
HR Director Jamie Haynes
Public Works Director Michael Burgess
Finance Director Krystal Strickland

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 the Faith Assembly Christian Church gave the invocation, which was then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

- Reorder the agenda to move item 4A to follow item 5A for discussion.
- Add agenda item 5J – Request to reschedule City Council Workshop – *LDC Rewrite* from November 19th to December 3rd.

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

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

A. Proclamation - Epilepsy Awareness Month

Mayor Wagner read the Proclamation designating November 2024 as *National Epilepsy Awareness Month*.

B. Choctawhatchee Basin Alliance - Annual Report to City Council, Program and Water Quality Update

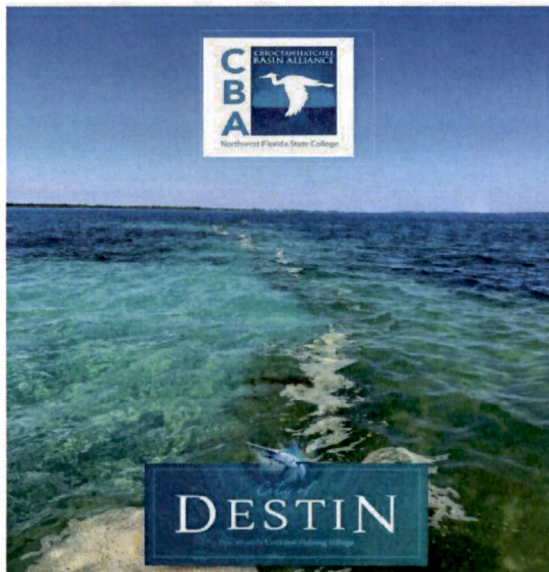
Ms. Kayla Wingard, CBA Monitoring Program Manager, presented the annual NPDES report to the city council.



Who & What?



Choctawhatchee Basin Alliance is a non-profit organization responsible for promoting swimmable, fishable waterways in our community through monitoring, education, restoration, and research.



Destin NPDES & CBA

Since 2003, the City of Destin has enacted programs to comply with the EPA's National Pollution Discharge Elimination System (NPDES), with the goals of:

- reducing discharge of pollutants to the maximum extent practicable
- protecting water quality, and
- satisfying water quality requirements of the Clean Water Act.

CBA partners with City of Destin to fulfill these NPDES requirements through:

- Public Education and Outreach
- Public Involvement and Participation
- Pollution Prevention / Good Housekeeping



Public Education and Outreach

CBA provides education programs to students and the public focused on place-based environmental science.



Destin Middle School

- 5th grade students participate in Grasses in Classes (GIC)
- Salt marsh grasses grown at school
- CBA staff teach stormwater and environmental education with **hands-on** lessons in the classroom
- End-of-year **field trip** with CBA staff and volunteers at a Living Shoreline in the Spring

Grasses in Classes



CBA Presentations

CBA presents current research and focused information in monitoring, restoration, and research for community groups. Recent events include:

Destin Forward Leadership Class, Waterways Day
September 12, 2024. Captain Leonard Park, Destin, FL.

- Focused on CBA mission, erosion control, and water quality.
- Past: Destin Rotary Club – March 5th
- Upcoming: Panhandle Flyfishers - November 4th



Public Involvement / Participation

Earth Day Beach Cleanup at Norriego Point – April 20th

International Coastal Cleanup at June White Decker Park– September 21st



Common Items

Food wrappers
Cigarette butts
Plastic bags
Plastic bottle caps
Straws/stirrers
Plastic Bottles
Beverage cans
Plastic Lids
Toys



Clean Swell
Coastal Cleanup
Organized for the
Gulf of Mexico
Coastal Cleanup



Public Involvement / Participation

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 Water Quality

Numeric Nutrient Criteria (NNC) Annual Geometric Means (AGM)

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

Pollution Prevention/Good Housekeeping



Dedicated to the Future of Fishing™



Monofilament Recycling

> **35 miles** of monofilament fishing line recycled in Destin last period (Apr–Sep)

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

Destin bins are maintained by **2 volunteers** and CBA staff



Pollution Prevention/Good Housekeeping



OYSTER Shell Recycling

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

70 tons of oyster shell collected from
Destin Restaurants (Apr-Sep)

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

Oyster Gardening Program



Councilmember Stephens confirmed the city's current setup with two water sampling companies and explored whether CBA could help streamline the sampling process. He proposed having just one company collect water samples for bacteria testing and deliver them to the laboratory, aiming for efficiency in handling and transporting the samples. The Interim City Manager indicated that coordination with CBA would be beneficial and suggested further conversations to explore aligning CBA's sampling frequency with the city's existing practices. He emphasized the potential for collaboration and noted that the city would reach out to facilitate this partnership.

Councilmember Destin recommended that the council consider supporting CBA through the city's net-positive environmental benefit regulations. He proposed that environmental credit be given to those who contribute through donations or through efforts like oyster stations directly supporting the Basin. Alternatively, a portion of environmental benefit funds could be earmarked for CBA's initiatives, recognizing the alignment between the CBA's mission and the city's environmental goals.

2. PUBLIC COMMENTS

Ms. Monica Wallis from Destin Water Users expressed support for the undergrounding initiative, commending its strong and purposeful approach. She highlighted the importance of involving all stakeholders, particularly underground utilities, in the planning and construction phases, adding that while aerial utilities have been addressed in discussions, underground utilities have not been significantly involved in the design process thus far. She referenced the Highway 98 project as a successful example of collaborative planning: A year was spent coordinating with all utilities to design a plan that ensured efficiency and mutual satisfaction. The key to success was frequent meetings and open communication among stakeholders. She suggested conducting bi-weekly meetings to facilitate planning and coordination as the project moves into the construction phase. She emphasized the Destin Water Users' willingness to collaborate and contribute to the project's success.

3. CONSENT AGENDA

- A. Declaration of City Equipment as Surplus - Dump Truck, Pick-Ups, mowers, power equipment
- B. FY25 Resurfacing Projects, authorization to issue Purchase Orders
- C. FY 2025 Budget Amendment #1 - GRANT BALANCES
- D. Indian Bayou Trail Roundabout, stormwater repair, authorization to issue a Purchase Order
- E. Interlocal Agreement with County - Four Prong Lake - permit fees
- F. Grant Agreement DEP L0028 - Four Prong Lake Emergency Outfall Project
- G. Clement Taylor Park - Covenant of Use, Purpose and Ownership document
- H. Mattie Kelly Outfall – Engineering Design Concept Approval
- I. DO 20-02 The Charles Right-of-Way Permanent Acceptance – South Mattie M. Kelly Blvd
- J. 503 Norriego Road, Residential Marine Construction, HWB-001463-2024
- K. 526 Norriego Road, Residential Marine Construction, HWB-001441-2024
- L. 531 Norriego Road, Residential Marine Construction, HWB-001398-2024
- M. Approval of minutes of October 7, 2024, Regular City Council Meeting
- N. Approval of minutes of September 23, 2024, City Council Workshop - LDC Rewrite

Motion by Councilmember Hebert, seconded by Councilmember Stephens, to approve Consent Agenda items 3A through 3N passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

4. CITY MANAGER REPORTS

- A. Resolution 24-12 Supplemental Debt Resolution

The City Attorney read Resolution 24-12 by title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA SUPPLEMENTING ORDINANCE NO. 24-19-CN ENACTED ON THE DATE HEREOF, WHICH AUTHORIZED ISSUANCE OF THE CITY'S NON-AD VALOREM REVENUE NOTE, SERIES 2024 IN THE PRINCIPAL AMOUNT OF \$25,000,000 FOR THE PURPOSE OF FINANCING AND/OR REIMBURSING THE COSTS OF VARIOUS CAPITAL IMPROVEMENT PROJECTS IN THE CITY INCLUDING WITHOUT LIMITATION THE ACQUISITION OF CERTAIN LAND LOCATED AT 1 HARBOR BOULEVARD FOR THE PURPOSE OF PROVIDING PUBLIC PARK OR OTHER PUBLIC FACILITIES, UNDERGROUNDING OVERHEAD UTILITY FACILITIES ALONG HIGHWAY US 98 FROM THE MARLER BRIDGE TO AIRPORT ROAD AND THE DESIGN AND CONSTRUCTION OF THE CROSSTOWN CONNECTOR PROJECT; PROVIDING FOR CERTAIN DETAILS OF SUCH NOTE; APPROVING THE FORM AND AUTHORIZING EXECUTION OF AN AMENDED AND RESTATED INTERLOCAL AGREEMENT BETWEEN THE CITY AND THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF DESTIN, FLORIDA; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Bagby moved to approve Resolution 24-12, Supplemental Debt Resolution, seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

B. Utility Undergrounding Carrier Contracts

The Interim City Manager noted that this item concerns contracts for undergrounding utilities with four service providers: Cox, CenturyLink, Unity Fiber, and Gigapower. It involved approval of agreements to bury their utility lines as part of a coordinated effort to enhance infrastructure.

Councilmember Hebert moved for approval of, and to authorize the City Manager to execute, the Cox Facility Undergrounding Agreement; seconded by Councilmember Stephens. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

Councilmember Hebert moved for approval of, and to authorize the City Manager to execute, the Century Link Facility Undergrounding Agreement; seconded by Councilmember Stephens. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

Councilmember Hebert moved for approval of, and to authorize the City Manager to execute, the Uniti Fiber Facility Undergrounding Agreement; seconded by Councilmember Stephens. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

Councilmember Hebert moved for approval of, and authorize the City Manager to execute, the Gigapower Coordination Agreement; seconded by Councilmember Stephens. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

C. ADS - Full Notice to Proceed

The Interim City Manager requests that the council approve full notice to proceed for Acute Drilling Systems to begin the substantial undergrounding of utilities. A limited notice to proceed had been issued in June, allowing preliminary steps to move forward. With preparatory work completed and agreements in place, the full notice to proceed is being presented for approval. The proposed not-to-exceed amount for this phase of the project is \$10,283,950.75.

Councilmember Destin moved to approve the issuance of the full Notice to Proceed to ADS for the Phase 1 Utility Undergrounding contract, seconded by Councilmember Hebert.

Councilmember Stephens inquired about the involvement of Destin Water Users. The Interim City Manager noted that a kickoff meeting is scheduled for Wednesday at 2:00 PM at the City Hall, to which Destin Water Users have been invited.

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

D. State Appropriation Requests

The Interim City Manager expressed the need to identify and prioritize funding requests for state legislature during the upcoming appropriations cycle, noting that the city submitted 7 requests last year, of which two were funded: \$1 million for Four Prong Lake Outfall and \$100,000 for harbor dredging. Potential projects for the 2026 fiscal year from the Capital Improvement Plan (CIP) include shade structures and safety netting at Morgan Sports Center (\$65,000 for shade, \$450,000 for netting; the city would request half of these amounts). He sought directions from the council on what projects to prioritize and the preferred process for compiling the funding request list.

Councilmember Destin suggested resubmitting the funding request for the Stahlman Avenue Intersection Improvements, which was vetoed by the governor last year, expressing hope that persistence in resubmitting the project might lead to eventual approval.

Councilmember Destin moved to include the Stahlman Intersection Improvements to the state appropriation requests; seconded by Councilmember Bagby. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

Councilmember Bagby proposes a more comprehensive, strategic approach to identifying funding priorities, proposing a “holistic view” of projects. He recommended that staff develop a prioritized list of projects, including those already requested but not funded last year. Projects with detailed plans and public backing, such as the boardwalk under the bridge. He suggested leveraging collaboration with the county delegation, particularly on projects with regional benefits, like Tarpon Beach Improvements.

Councilmember Schmidt moved to direct the City Manager to instruct staff to prepare a prioritized list of major infrastructure projects, mainly identifying projects that would require external funding, either from the county or the state taking into account timelines from the state, with the goal of presenting it at a meeting in December; seconded by Councilmember Heber. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

E. Fire District Dock - Boat Slip Lease

The Interim City Manager informed the council that the fire district was consulted regarding the potential for revising the lease language to accommodate other municipal uses for the boat slip other than for code compliance, but the fire district declined. As a result, the lease terms and conditions remain unchanged from those presented two meetings ago.

Councilmember Schmidt moved to table this item, seconded by Councilmember Hebert. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

F. All Employee Survey

The City Manager presented options for conducting the 2025 employee satisfaction survey, outlining several alternatives for consideration:

1. PolCo Options:

- \$5,500 "out-of-the-box" survey with no customization.
- \$8,500 customizable survey allowing for open-ended questions.

2. Evergreen Options:

- \$8,000 customizable survey.
- \$12,000 survey with analysis.
- \$15,000 survey with benchmarking.

3. Survey Monkey (Recommended by staff):

- Annual subscription of \$668.
- Allows full customization of questions.
- Ensures confidentiality and anonymity of responses.
- Proposed approach to base new survey questions on prior surveys for consistency and benchmarking changes over time.

Councilmember Hebert moved to direct staff to conduct the 2025 All Employee Satisfaction Survey in-house with the paid version of Survey Monkey; seconded by Councilmember Stephens.

Councilmember Destin expressed his support for the motion, while highlighting the importance of crafting questions thoughtfully to prevent influencing the results. He suggested aligning the design closely with previous surveys to maintain unbiased comparisons over time.

Councilmember Bagby expressed support for the motion, though he noted a preference for exploring alternative options. He acknowledged the cost savings associated with the chosen approach and highlighted the importance of avoiding interruptions in the survey process. He referred to the city's policy, in place since 2010, of alternating between citizen and staff surveys every two years. He also underscored the value of benchmarking against previous survey results to inform strategic planning efforts.

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

G. Boardwalk Under the Bridge/PD&E/Stahlman Intersection - scope of work change

The council revisited the scope of work for the Boardwalk Under the Bridge project at the Stallman Intersection. The discussion centered on a prior study conducted by Baskerville Donovan, with questions raised about whether the scope of work aligned with the council's original directives. Clarification revealed that while the scope was consistent with the original

approval, additional cost estimates extending to the Airport Road component were included. A fee reduction proposal of \$3,126 was offered by the consultant to adjust the scope.

The Interim City Manager explained the situation, noting that the council could either accept the fee reduction and modify the scope, or retain the current work plan. It was highlighted that future funding opportunities might necessitate revisiting cost estimates, which could result in additional expenses. The Interim City Manager clarified that no immediate action was required unless the council decided to adjust the scope.

Councilmember Hebert moved to instruct the Interim City Manager to work with Baskerville-Donovan and bring back to council an updated task order reflecting the proposed fee reduction of \$3,126; seconded by Councilmember Stephens.

Councilmember Destin highlighted that a prior council motion clearly defined the scope but noted that modifications had been made without council approval, deviating from established policy. He emphasized the importance of adhering to the initially approved scope moving forward and requested to be included in related meetings as the council liaison designated by the motion.

The mayor expressed concerns about removing cost estimates, noting their potential value for future appropriations or grant applications. He questioned whether saving \$3,126 now could lead to higher costs later if the estimates had to be recreated.

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

H. Draft Minutes of Standing Committee and Board Meetings - Informational Only

I. Announcements

- 1) A request was previously made by the council to explore ways for youth to fish from the boardwalks in the harbor. Challenges such as private property concerns and liability issues were noted. A meeting is scheduled for Wednesday with Mr. Bill McKissic from the Harbor and Waterway Committee, Captain Fulghum of the Sheriff's Office, and a high school fishing club representative to discuss potential solutions.
- 2) The Marler Bridge PDN (Public Development Notice) is progressing, with a public alternatives meeting planned for December 3. Announcements will soon be sent to elected officials and stakeholders.
- 3) In light of the upcoming general election, residents were advised to check their voting precincts on the City of Destin's Facebook page, where a link is provided.
- 4) City facilities will be closed on Monday, November 11, to honor Veterans Day, with gratitude expressed for the service of veterans and active duty personnel.
- 5) The Holiday Craft Show is scheduled for November 15-16 at the community center, with vendor registration available on the city website.

- 6) The November 18 city council meeting will include the inauguration of new council members and a ceremony honoring outgoing members completing their terms.

- J. Reschedule City Council Workshop – LDC Rewrite – from Tuesday, November 19th to Tuesday, December 3rd, beginning at 5:30 PM.

Councilmember Hebert made a motion to reschedule the November 19th City Council Workshop – LDC Rewrite – to December 3rd. Motion was seconded by Councilmember Bagby and passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 24-19-CN - Authorizing the issuance of the city's Non-Ad valorem revenue note, Series 2024 in the principal amount of not to exceed \$25,000,000 for the purpose of financing various capital improvement projects in the city including without limitation the acquisition of certain land for the purpose of providing public park facilities located at One Harbor Blvd, construction of the cross-town connector roadway, and undergrounding overhead utilities.

The City Attorney read proposed Ordinance 24-19-CN by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AUTHORIZING THE ISSUANCE OF THE CITY'S NON-AD VALOREM REVENUE NOTE, SERIES 2024 IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$25,000,000 FOR THE PURPOSE OF FINANCING VARIOUS CAPITAL IMPROVEMENT PROJECTS IN THE CITY INCLUDING WITHOUT LIMITATION THE ACQUISITION OF CERTAIN LAND FOR THE PURPOSE OF PROVIDING PUBLIC PARK FACILITIES LOCATED AT 1 HARBOR BOULEVARD, CONSTRUCTION OF THE CROSS-TOWN CONNECTOR ROADWAY, AND UNDERGROUNDING OVERHEAD UTILITIES; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; AUTHORIZING CERTAIN OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE SALE, ISSUANCE AND DELIVERY OF SUCH NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE.

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

Motion by Councilmember Hebert, seconded by Councilmember Stephens, to approve Ordinance 24-19-CN on second reading passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

Following agenda item 5A, the next item discussed was agenda item 4A - Resolution 24-12 Supplemental Debt Resolution

- B. Second reading of Ordinance 24-18-CC - Amending Chapter 6 "Buildings and Building Regulations" of the Code of Ordinances; amending sections relating to flood hazard areas and floodplain management.

The City Attorney read proposed Ordinance 24-18-CC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING CHAPTER 6, "BUILDINGS AND BUILDING REGULATIONS" OF THE CODE OF ORDINANCES. AMENDING SECTIONS RELATING TO FLOOD HAZARD AREAS AND FLOODPLAIN MANAGEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; PROVIDING FOR A FISCAL IMPACT STATEMENT; 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 Hebert, seconded by Councilmember Stephens, to approve Ordinance 24-18-CC on second reading passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted "yes"; Councilmember King was absent from the meeting).

- C. Second reading of Ordinance 24-12-LC - Amending Land Development Code Section 11.04.00 Floodplain Management; amending sections relating to elevation of manufactured homes in flood hazard areas.

The City Attorney read proposed Ordinance 24-12-LC by title, and then presented it to the city council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING LAND DEVELOPMENT CODE SECTION 11.04.00 FLOODPLAIN MANAGEMENT; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; AMENDING SECTIONS RELATING TO ELEVATION OF MANUFACTURED HOMES IN FLOOD HAZARD AREAS; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR A FISCAL IMPACT STATEMENT; 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 Hebert, seconded by Councilmember Stephens, to approve Ordinance 24-12-LC on second reading passed 6-0 (Council members Schmidt, Hebert,

Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

- D. Request for approval of a Major Development Order application (DEV-001331-2024). This project includes the construction of the Tarpon Beach Access Parking Lot, four pavilions, a Little Adventures outpost, a restroom facility, an ADA compliant wooden boardwalk to the beach, and the associated site infrastructure. The subject project is generally located at 3310, 3320, and 3324 Scenic Highway 98, totaling approximately 3.08 acres.

The City’s Principal Planner Daniel Butler introduced the project as a major development order application. The project, known as *The Shores at Tarpon Beach*, is a joint endeavor between the City of Destin and Okaloosa County. The site is located at 3310 through 3324 Scenic Highway 98 and encompasses approximately three acres.

The proposed development involves the construction of a parking lot with the following features:

- 49 standard parking spaces,
- 29 low-speed vehicle (LSV) spaces, and
- 3 oversized vehicle spaces,

City staff are recommending the approval of the development order.

The City Clerk sworn in the following individuals for testimony:

- Community Development Director Tina Deater
- Deputy Community Development Director Steve O’Conner
- Principal Planner Daniel Butler
- Deputy County Administrator of Operations for Okaloosa County Craig Coffey

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

Councilmember Hebert moved to approve Shores at Tarpon Beach, a Major Development Order, as presented; seconded by Councilmember Stephens. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

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

- A. Councilmember Stephens
- B. Councilmember Geile
- C. Councilmember Destin
- D. Councilmember Bagby
- E. Councilmember Hebert

F. Councilmember King

G. Councilmember Schmidt

Councilmember Schmidt raised a concern regarding the Destin Water Users (DWU) apparently not being involved in the planning phases of the utility undergrounding project, despite having significant underground infrastructure in the area. He asked staff to follow up and provide a clear explanation at the next meeting on why DWU was not previously included, ensuring all relevant parties are on board for future phases.

Councilmember Destin emphasized the importance of coordinating with Okaloosa Gas, highlighting the potential dangers involved if gas lines are disrupted during construction.

Councilmember Bagby requested that the project consultant attend the next council meeting, either virtually or in person, to discuss their preparedness for handling potential issues. Specifically, Councilmember Bagby emphasized the need for the consultant to present a more thorough plan addressing current underground utility, including gas lines, sewer lines, sump pumps, and septic tanks, which could complicate the project and lead to unforeseen delays due to outdated infrastructure.

Next, Councilmember Schmidt questioned the delays with the batting cage permit at Morgan's Sports Complex.

Staff will provide an update on the contractor's timeline at the next meeting.

H. Mayor Wagner

Mayor Wagner provided information on research into potential Triumph funding for local projects. This funding, sourced from BP oil spill settlements, aims to support economic initiatives beyond tourism, such as job creation and sustainability projects. The mayor noted they are reviewing successful applications to align prospective projects with Triumph's criteria. Aiming for further discussion in a city visioning session, they will evaluate projects eligible for Triumph funding to potentially integrate these ideas into the city's budget planning.

1) Proposed Resolution 24-13 -- US 98 Intersection Improvements

Mayor Wagner introduced a resolution of support regarding safety improvements to an intersection on US Highway 98 near Whole Foods and Legendary Marine. He presented the issue, explaining that FDOT had flagged the intersection due to a high number of accidents—63 incidents in the last five years, averaging about one per month. FDOT proposed a plan to convert the current left-turn lanes into right-turn-only lanes to mitigate these safety concerns.

Councilmember Bagby requested more data, specifically whether the intersection is among the city's top ten most dangerous, as assessed by the sheriff's office.

Councilmember Bagby moved to table the resolution, requesting further analysis by city staff, the sheriff's office, and planning experts to determine the necessity of the proposed adjustments. Motion seconded by Councilmember Hebert and passed 6-0

(Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

I. City Attorney

The City Attorney announced that Councilmember King is seeking council’s support for navigational lighting at the local pass to enhance safety for charter fishermen and other users. The request outlined the need for lighting on the jetties and rocks near the pass as a priority and, secondarily, lighting on navigational markers in the surrounding area. This area falls outside the city’s jurisdiction and would require coordination with the U.S. Coast Guard. The Council could proceed with either a letter of support or a resolution, which could be introduced at a future meeting.

Councilmember Destin moved to proceed with a resolution of support endorsing the project; seconded by Councilmember Bagby. Motion passed 6-0 (Council members Schmidt, Hebert, Bagby, Destin, Geile, and Stephens voted “yes”; Councilmember King was absent from the meeting).

1) Destin Fishing Fleet, Inc. v. City of Destin, 2019 CA 002599 (Okaloosa County, Florida) - Approval for Costs

Councilmember Hebert moved to approve the engagement letter with the Warner Law Firm and to encumber \$50,000; seconded by Councilmember Bagby. Motion passed 4-0 (Council members Schmidt, Hebert, Bagby, and Geile voted “yes”; Councilmember King was absent from the meeting; and Council members Destin and Stephens abstained from voting).

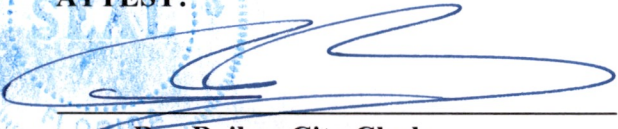
The City Attorney announced that the property at 222 Sibert is still not in compliance despite multiple warnings from Code Compliance staff, who had been assured by the property owner that compliance would be achieved by this day. Since the property remains non-compliant, the intent is to file a foreclosure complaint within the month, explaining that they had delayed drafting legal documents to avoid unnecessary legal costs if compliance was achieved. The necessary title work has been completed, and that she plans to file the complaint promptly.

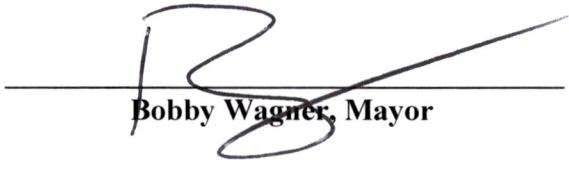
7. PUBLIC COMMENTS

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:25 PM.

ATTEST:


Rey Bailey, City Clerk


Bobby Wagner, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Stephens, John</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City of Destin Council</i>	
MAILING ADDRESS <i>4025 Indian Trail</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Destin</i>	COUNTY <i>Oleulosa</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>11/4/2024</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Tom Stephens, hereby disclose that on Nov 11, 20 24:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

11/4/2024

Signature



NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Destin Dewey E	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Destin City Council
MAILING ADDRESS 777 Spring Lake Dr	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Destin	COUNTY Okechoos
DATE ON WHICH VOTE OCCURRED 11/4/24	NAME OF POLITICAL SUBDIVISION:
MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

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For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Dewey Destin, hereby disclose that on 11/4/24, 20 ____:

(a) A measure came or will come before my agency which (check one)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by
whom I am retained; or
- ☐ inured to the special gain or loss of _____, which
is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

~~I OWN~~ I OWN INTEREST IN CORPORATION'S, LLC'S INVOLVED
AS CO DEFENDENTS IN THIS LAWSUIT - WITH THE CITY - BI INC
Dewey's HARBERSIDE, 200 HARBOR BLVD

11/4/24
Date Filed

Dewey Destin
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.