MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 5, 2018
CITY HALL ANNEX COUNCIL CHAMBERS
6:00 PM

The Council of the City of Destin met in regular session with the following members and staff present:

Destin City Council

Mayor Gary Jarvis
Councilmember Chatham Morgan
Councilmember Cyron Marler
Councilmember Parker Destin
Councilmember Tuffy Dixon
Councilmember Prebble Ramswell
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

Interim City Manager Lance Johnson
Acting Public Services Director Tim Pietenpol
Acting Parks & Recreation Director Lisa Firth
Acting Community Dev. Director Steve Schmidt
Public Information Manager Doug Rainer
City Land Use Attorney Kimberly Kopp
City Clerk Rey Bailey
IT Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Reverend Kevin Wendt of Grace Lutheran Church gave the invocation; which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Braden requested that Consent Agenda item 6E be placed under CITY MANAGER REPORT.

Councilmember Braden requested that agenda item 7J(1) be placed under CITY MANAGER REPORT.

Motion by Councilmember Destin, seconded by Councilmember Dixon, to pull agenda item 4E – *Ordinance 18-15-LC* – and place it on the November 19, 2018 City Council meeting agenda passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

Motion by Councilmember Destin, seconded by Councilmember Overdier, to approve the agenda, as amended, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

1. APPROVAL OF MINUTES

A. Approval of minutes of October 25, 2018 special city council meeting

Motion by Councilmember Destin, seconded by Councilmember Morgan, to approve minutes of October 25, 2018 special city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Approval of minutes of October 22, 2018 special city council meeting

Motion by Councilmember Marler, second by Councilmember Destin, to approve minutes of October 22, 2018 special city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

C. Approval of minutes of July 16, 2018 regular city council meeting

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve minutes of July 16, 2018 regular city council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Structured Parking Solutions, Greg Darden

Mr. Greg Darden, Director of Business Development, Structured Parking Solutions provided the following presentation:

- The SPS team responded to the City RFP18-09-PS seeking a holistic team to solve for parking and other transportation needs for the Destin Harbor District.
- The SPS team was selected by the City Council on August 6, 2018.
- Since being selected the SPS team has meet with City staff, the County, the TDD, stakeholders, and hosted a public forum to collect comments, suggestions, and support.
- The SPS team has developed a three-phased approach:
  - Phase One: Continued due diligence efforts, public involvement, creation of a master plan
- Phase Two: Confirmation of Costs and Schedule
- Phase Three: Implementation of Approved Items
- Requesting acceptance of the Memorandum of Understanding (MOU) which authorizes the SPS team to enter into Phase One
  - Phase One: <u>*Due Diligence, Public Involvement, and Creation of Masterplan*</u>
  - Event Duration 26 weeks, Cost to City $146,860.00
- The SPS team will oversee Two Public Meetings as requested by the City Council, one within a Transportation Workshop to present the conceptual Masterplan and one for the final.

- ➢ The City and SPS team will continue stakeholder meetings and coordination efforts with City Staff, FDOT, Citizens, and others.
- ➢ The City and SPS team will mutually develop a conceptual Masterplan.
- ➢ SPS will develop a preliminary budget for the approved Masterplan.
- ➢ The City and SPS team will identify funding sources.
- ➢ The City and SPS team will modify the masterplan, improvements, and schedules by prioritizing improvements balanced by available funding sources.
- ➢ The SPS team will present the final conceptual masterplan, implementation schedules for improvements, and potential funding sources to the City Council.
- ➢ Phase One Deliverables:
  - ❖ Phased Masterplan
  - ❖ Phased Masterplan Schedule
  - ❖ Phased Masterplan Revenue Model
- ➢ At the Conclusion of Phase One the City Council will decide which masterplan items will be advanced to Phase Two.
- ➢ Phase Two includes sufficient design work to provide City Council with guaranteed pricing and revenue sources.
- ➢ The City of Destin will own all studies, findings, designs, and masterplan items

Following the presentation, the Mayor announced he would allow public comments pertaining to this subject at this time. Having none, the Mayor turned the matter over to the City Council for discussion and consideration.

There was a general consensus among the Council to move on to agenda item 4A – Memorandum of Understanding – Structured Parking Solutions

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA

4. CITY MANAGER REPORTS

A. Memorandum of Understanding (MOU) – Structured Parking Solutions

The Interim City Manager noted that during a previous Council workshop, the Council requested that the Memorandum of Understanding (MOU) for Structured Parking Solutions be placed on tonight's agenda for consideration; adding that this item has been reviewed by the City Attorney.

According to the City Attorney, he worked with Mr. Darden in cleaning up the contract language on how the City would pay them. It is mainly for the City's benefit so they would not be obligated to pay the entire $150,000 if they choose to enter in a MOU tonight. He continued that the way the MOU currently reads, the City would pay in three separate installments depending upon the sub-phases that are completed within phase one by Structured Parking Solutions.

Councilmember Dixon stated that by purchasing a new parking lot, he feels they have done all they could in trying to provide extra parking for businesses that failed to provide enough of their own; adding he cannot support the possibility of the City going into debt in trying to do more. He continued that he would be willing to listen but not support this MOU tonight.

Councilmember Braden stated that $146,860 is too much money to spend on a parking solution for just the harbor district; adding that only about 30 percent of traffic stops in Destin; the other 70 percent just passes through.

Councilmember Morgan noted that an email this Council recently received from Okaloosa County basically stating the County is not required to support construction of the City's parking lot gives him concern as to whether or not the City would be able to pay for it. He also believes they are subsidizing irresponsible owners that opened their businesses without ample parking. He added he cannot support this project without funding commitment from the Okaloosa County Tourist Development Department (TDD).

Councilmember Marler stated that they need to consider the future because the number of people that come to Destin increases each year; and it will continue to increase especially if the TDD keeps promoting it. There is also potential for more development and re-development in the harbor district. He reiterated that the City had made written promises to provide parking for the harbor businesses. He suggests they pursue a public-private partnership, where the City does not have to necessarily fund the project. They could make a deal with companies who build parking garages.

According to Councilmember Ramswell, they have infrastructure and parking problem and something needs to be done about it. She also stated that during this firm's initial presentation, their presentation packet included a letter to a local developer that should have been addressed to the City. It was disconcerting to her because the letter involves a project in which the developer had no land or City interest. She also noted the recent packet they received discusses how they should be removing the burden of employee parking from businesses. She believes the purpose of these parking garages is to secure parking for residents and tourists that want to visit the harbor and not for businesses that did not adequately provide enough parking; some of which already purchased additional property to create more parking spaces for their employees and customers.

Councilmember Ramswell also expressed concern about the County TDD not willing to provide financial support for this project when it is really geared toward tourism. She also believes public-private partnerships are complicated because there is always a possibility for one party to carry the full financial burden for the project. She also learned from a course she took with the Florida League of Cities that there are essentially two different types of public-private partnerships; a demand-risk partnership (the "good" kind) and availability payment partnership (the "bad" kind). She added they need to seriously discuss these aspects before they considering engaging into a public-private partnership.

Mr. Darden stated that the MOU does not only address the parking issues in the harbor district, it also identifies some of the gaps in the design of the crosstown connector; and that his firm is committed to providing some solutions to fill those gaps. He also stated that the master plan, which is part of their proposed solutions, is not just about parking. It would also create wayfinding and better pedestrian ways, sidewalks and landscaping. He also mentioned that they met with County representatives, including representatives from the TDD, and felt they were pretty openminded about this project; but, they want to make it if goes forward that it does not benefit just any one subset or group. He added that they have worked with other Florida counties, and there had been some legal opinions from the Attorney General that allows a TDD to participate in this type of project; and so they believe this project can be paid for or partially funded by the TDD.

With regards to Council's comments regarding unused parking spaces, Mr. Darden stated that any parking on the north side of US Hwy 98 would largely be under-utilized until there is a management program, which is part of their phase one activity. He also noted that part of the MOU was bringing back available revenue solution to help reduce the risk and liability for the City.

Next, Mr. Darden addressed the concern about the letter his firm sent to a local developer. He explained that his firm recognized the importance of a piece of property located behind McGuire's Restaurant and what it could mean to benefit parking needs. They were proactive in reaching out to the property owner and asking the property owner to provide a letter stating that his firm could have access to that property so that if the City decides to move forward with the development, those rights and privileges would be extrapolated to the City. They wanted to prove to the City Council that they recognize the importance of that property and took the effort to get control of it.

Mr. Darden explained the logic behind their comments about removing the burden of employee parking from business owners. They feel there is a security and safety issue with providing more public parking on the north side of US Hwy 98 and opening up more parking in privately owned parking lot on the south side. More visitors would be parking in the south side parking lots and going down to the harbor for dining and entertaining. To make that possible, they would need to move employee parking to the north side of US Hwy 98 at the owners' expense. They would be paying for the rights to those parking spaces.

Finally, Mr. Darden addressed the concept of public-private partnership; stating it is a great tool to apply for parking and transportation principles. However, it could be complicated and has a great chance of failing if they do not choose the right partner. He urged the Council to allow his firm to perform the studies and put together the cost and revenue budgets, and then bring it back; adding that the Council would get good information if they decide to proceed with the project or terminate the crosstown connector.

The Mayor noted that when the City initiated the boardwalk on the Destin Harbor, the property owners agreed to give up 25-feet of their property as easement to the boardwalk. In return, the City would provide enough upland parking for the businesses. He asked if the firm was able to determine the shortage of parking for the boardwalk when they conducted their parking audit.

According to Mr. Darden, his firm has not actually perform an audit at this stage; but, they looked at the parking study that was conducted for the City about 16 months ago, which suggested that the City had a deficit of about 1500 parking spaces. During the study, the existing businesses in the area, primarily on the south side of US Hwy 98, were surveyed. They looked at the types of businesses and the square footage of these businesses and apply the municipal code and came up with the deficit. He continued that they agree with the logic used in the study; but, they have not validated whether the square footage and business associations were accurate. He noted that significant parking users were excluded from the study. Delivery vessels and pontoon boats businesses were also omitted as there was no way to identify how many pontoon boats or those types of vessels were in place at the time, and how many parking spaces should be associated with those types of vessels.

According to the Mayor, the current master plan shows the boardwalk continuing underneath the bridge all the way down to the new City park. He asked what it would do to the current deficit if they do not take any action to remedy the parking situation at all.

Mr. Darden stated that the boardwalk has become a destination, mostly for tourists. As they continue to expand the boardwalk underneath the bridge and back towards the park, it would expand the parking use and need in those areas. Some type of additional parking capabilities on the west side behind the McGuire's Restaurant location will provide the citizens and tourists the ability to come to that expanded part of the boardwalk as well as the City parks.

Councilmember Overdier noted that the County's primary concern was using public funds to create parking to subsidize private businesses; however, he also heard from Mr. Darden that many of the stakeholders are willing to participate in financing the parking garages which may alleviate some of the County's concerns. He added that the County TDD has enough money to be able to finance the project; but, they need to be able to show them that a lot of the private businesses who failed to provide enough parking are willing to make up for it by participating financially in this endeavor.

Councilmember Destin moved to table this item indefinitely; seconded by Councilmember Dixon. Motion passed 5-2 (Council members Morgan, Destin, Dixon, Ramswell and Braden voted "yes"; Council members Marler and Overdier voted "no").

B. Reclassify Planning Technician Position

The Interim City Manager noted that the Planning Division is currently budgeted for two planner positions and one planning technician position. He asked that the planning technician position be reclassified as a planner position allowing the Planning Division to maximize its essential duties and responsibilities. The City and its planning staff have a tremendous amount of work on the horizon as well as on their current work plans. Providing a reclassification of this staff position would greatly assist the department in providing the level of service their customers need and deserve. The effect on budget would be about $14,266 annually with benefits. Due to the current director and planner vacancies, it will not require a budget amendment for the funds required for the reclassification.

Councilmember Braden moved to authorize the City Manager to re-classify the Planning Technician position to a Planner position; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

C. Update: Community Development Director

The Interim City Manager stated that the 4 finalists for the position are all highly qualified. They were invited to a "meet and greet" session with the City Council and the public. He offered the position to the top candidate, but she declined the offer; stating that she was in a similar position before and she did not want to be in that position again at this time. He then offered the position to the second ranked candidate and he accepted. He asked the Council to approve his appointment of Mr. Louis Zunguze to the position of Community Development Director.

Councilmember Marler moved to approve the City Manager's appointment of Mr. Louis Zunguze to the position of Community Development Director. Councilmember Ramswell provided a second to the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

D. City Manager Candidates

Mr. Buzz Eddy from FCMA announced they received 54 applicants for the position. Three of the applicants appeared on six lists, two applicants appeared on 5 lists, and three applicants appeared on four lists. He recommends the Council interviews the three applicants that received six votes and the two applicants that received five votes either in person or via Skype. He also recommends keeping the three applicants that received four votes on standby in the event any of the first five applicants withdraws. He named the following 5 finalists:

- Lance Johnson
- Danielle Judd
- Ted Lakey
- Mark Rohr
- Robert Rokovitz

After a brief discussion, the Mayor calls for a City Council Special Workshop on Tuesday, November 27th, beginning at 9:00 AM, for the City Council to conduct Skype interviews of the top 5 candidates.

Following this item, the Council moved on to agenda item 7J(1).

E. Ordinance 18-15-LC Use of wheeled vehicles on public and private areas of the beach

Item tabled to the November 19th City Council meeting

F. Prospective revision to Ordinance 17-01-CC/17-09-CC: Harbor and Waterways Ordinance

The City Attorney noted that the way the original Harbor and Waterways Ordinance was drafted, they would need to prevent any anchoring at all in the harbor in order to comply with the exact language. He stated that the City has been getting a lot of complaints about it; and so they are asking for Council's authorization for staff to come back with proposed revisions to the ordinance to possibly allow anchoring of regularly registered vessels in the harbor.

The Mayor stated this is very problematic for him and the other boat captains. The rules also prevent them from coming back to the dock and unloading their fish during daylight hours.

They also have travelers that want to come to the harbor, walk on the boardwalk and eat at restaurants; but, they have no place to dock their boats.

The City Attorney noted an exception in the State Statutes for commercial fishermen regarding this regulation; adding they do not have to worry about losing their catches over the next few weeks before they revise this ordinance.

Councilmember Braden moved to continue this item to the November 19, 2018 City Council meeting; and direct the City Attorney and staff to come back with amendments to the ordinance allowing all regular vessels to anchor in the harbor. Councilmember Marler provided a second to the motion.

Councilmember Braden asked if the amendments would include provisions for floating structures.

The City Attorney noted that floating structures and liverboards are already in separate categories under the current ordinance; and that they would not be affected by the amendments.

Councilmember Dixon noted that some of the floating structures on Crab Island are being registered as a vessel; adding they have to be very careful when they try to differentiate between real vessels and floating structures.

According to the Acting Community Director Steve Schmidt, a vessel is typically registered with the State and is capable of navigation under its own power.

Councilmember Ramswell asked if they should put a time restriction to prevent these vessels from anchoring in the harbor indefinitely.

The City Attorney stated that by State Statutes, a vessel that moors in one place for 30 days would fall under the category of a liverboard vessel; which is already covered in the ordinance. He added that trying to regulate the mooring time would fall under a different process that could take a lot longer.

The Mayor called for a vote on the motion, which passes 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

G. Update: Code Compliance Manager

The Interim City Manager announced that four candidates applied for the position of Code Compliance Manager. Two of those candidates met all of the minimum requirements for the position. They interviewed the two candidates and he has selected Mr. Joseph Forgione. He stated that Mr. Forgione is a former City employee in good standing and who already has a strong understanding of both the Destin area and the Destin ordinances. He asked Council to approve the appointment of Mr. Forgione to the position of Code Compliance Manager.

Motion by Councilmember Braden, seconded by Councilmember Overdier, to approve the City Manager's appointment of Joseph Forgione to the position of Code

Compliance Manager passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

H. Announcements/Updates

The Interim City Manager announced will be out of town during the Thanksgiving week; and that Mr. Webb Warren will be Acting City Manager with full signature authority during that period.

5. PUBLIC HEARINGS

A. Second reading of Ordinance 18-22-CC - Requirements for Wireless Facilities in the City Rights-of-Way

The City Attorney read Ordinance 18-22-CC by title; and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 13 OF THE CITY CODE OF ORDINANCES, CREATING ARTICLE IX OF THE CITY CODE OF ORDINANCES FOR THE PURPOSE OF ESTABLISHING REQUIREMENTS FOR WIRELESS FACILITIES IN THE CITY RIGHTS-OF-WAY; CREATING SECTION 13-175 TITLE; CREATING SECTION 13-176 FINDINGS, INTENT AND PURPOSE; CREATING SECTION 13-177 DEFINITIONS; CREATING SECTION 13-178 REGISTRATION; CREATING SECTION 13-179 NOTICE OF TRANSFER, SALE OR ASSIGNMENT OF ASSETS IN PUBLIC RIGHTS-OF-WAY; CREATING SECTION 13-180 PERMIT REQUIREMENTS AND CONDITIONS; CREATING SECTION 13-181 STANDARDS FOR COMPATIBILITY WITH SURROUNDING NEIGHBORHOOD; CREATING SECTION 13-182 ENFORCEMENT OF PERMIT OBLIGATIONS; SUSPENSION AND REVOCATION OF PERMITS; CREATING SECTION 13-183 APPEALS; CREATING SECTION 13-184 INSURANCE; PROVIDING FOR SEVERABILITY; 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.

Councilmember Overdier moved to approve Ordinance 18-22-CC on second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Second Reading of Ordinance 18-06-LC - Establishing the Technical Review Committee (TRC) to streamline the development review process

The City Attorney read Ordinance 18-06-LC by title; and then presented it to the City Council on second reading.

> AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ESTABLISHING THE TECHNICAL REVIEW COMMITTEE (TRC) TO STREAMLINE THE PROCESS OF DEVELOPMENT REVIEW; PROVIDING FOR

AMENDMENT TO ARTICLE 2 – ADMINISTRATION REVISING THE DEVELOPMENT REVIEW PROCESS; PROVIDING FOR AMENDMENTS TO ARTICLE 3 – DEFINITIONS, YARD; PROVIDING FOR AMENDMENT TO ARTICLE 5 – GENERAL PROVISIONS; PROVIDING MODIFICATION TO ARTICLE 6 – CONCURRENCY MANAGEMENT SYSTEM; PROVIDING FOR AMENDMENT TO ARTICLE 20 – BUILDING REGULATIONS; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; 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 Dixon, seconded by Councilmember Ramswell, to approve Ordinance 18-06-LC on second reading and authorize its execution by the Mayor passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

C. First Reading of Ordinance 18-27-CN - Acquisition of 108 Sibert Avenue

The City Attorney read Ordinance 18-27-CN by title; and then presented it to the City Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE PURCHASE OF CERTAIN REAL PROPERTY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDING OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR PURCHASE OF PROPERTY LOCATED AT 108 SIBERT AVENUE, DESTIN, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

The City Attorney recommends Council authorizes an environmental survey to be conducted on the property prior to approval of this proposed ordinance on first reading. He explains that it is more of a good practices standpoint as opposed to a legal requirement. If later on the seller tries to enforce the purchase agreement, the City will be in a stronger position if the environmental survey uncovered something to rescind that agreement.

Councilmember Destin moved to authorize the City Attorney and staff to conduct an environmental survey on 108 Sibert Avenue, and then bring the ordinance back on first reading after the survey has been conducted; seconded by Councilmember Overdier.

Councilmember Marler asked why an environmental survey is necessary when the City already owns the land on both sides of the property. He also asked if an environmental survey was conducted when they purchased the other two parcels.

The Mayor opined that an environmental survey is a good idea to make sure there has not been any toxic waste or things of that nature on that land that would create an issue where the City would be liable for the cleanup later on.

Councilmember Braden asked for a cost estimate to conduct an environmental survey.

According to Mr. Schmidt, it could cost approximately $2500 for this small property. He stated that a background check on the property will be conducted to make sure there have not been any releases of any toxic substances or other serious issues related to the property.

The Mayor called for a vote on motion, which passes 6-1 (Council members Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes"; Councilmember Morgan voted "no").

6. *CONSENT AGENDA

A. National Fish and Wildlife Foundation (NFWF) Chickasaw Way Drainage Improvements Project, Change Order No.1
B. Airport Road Emergency Repair, Request for Payment Authorization
C. Main Street Betterment Alliance Veteran's Day 5k Run/Walk
D. Choctawhatchee High School Cheer 5k Run/Walk

Motion by Councilmember Dixon, seconded by Councilmember Overdier, to approve Consent Agenda items A thru D, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

E. Marine Construction at Captain Leonard Destin Park (101 Calhoun Avenue)

The City Attorney noted that this item went before the City's Harbor and Waterways Board; and that the Board had voted to go forward with this project. However, he had not sufficiently reviewed the application prior to the Board's decision, and that he would need a little more time to do so. He asked that this item be continued to the next meeting.

Motion by Councilmember Destin, seconded by Councilmember Ramswell, to continue this item to the November 19, 2018 City Council meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

<u>Next item discussed was agenda item 4F</u>

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

A. Councilmember Braden

1. Appointment of Capt. James Green to the Harbor and Waterways Board

Councilmember Braden moved to appoint Capt. James Green to the Harbor and Waterways Board; seconded by Councilmember Dixon. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Dixon, Ramswell and Braden voted "yes").

B. Councilmember Ramswell

Councilmember Ramswell would like the City to continue working and reaching out to the County and County's Tourist Development Department with regards to transportation issues, and the financing of the structured parking solution in Destin.

C. Councilmember Dixon
D. Councilmember Overdier

Councilmember Overdier noted that he has discussed issues relating to the Stahlman Avenue and U.S Hwy 98 Intersection with FDOT; and that FDOT informed him they plan to look at that intersection on Fiscal Year 2021 so they could decide what to do to alleviate the problems in that area. They would also look at the crosstown connector and how it fits in so that people using the connector could get through that intersection to and from US Hwy 98 with ease. He also stated that FDOT's decision would be reflected in their 5-year plan; at which time it would also get on the Transportation Planning Organization (TPO) agenda. As the Council's representative to the TPO, he would try to persuade the TPO to recommend moving it up so that it can be done about the same time the crosstown connector is completed. He added that FDOT is asking for input from the City; and so he would recommend that the full time City Manager and City Engineer they hire provide that input to FDOT, with Council's approval, and to make sure FDOT's plan is suitable for the City.

Councilmember Morgan noted that one of the County's plans for using the sales tax money was for a Stahlman Avenue and US Hwy 98 intersection improvements. He asked that proper coordination is made with both the County and FDOT.

Councilmember Overdier also noted that FDOT inspects bridges every two years. Marler Bridge scored a 90, on the scale of 0 to 100, at the last inspection; and so it would be many years before they have to worry about the Marler Bridge. Meanwhile, Brooks Bridge scored a 46; which is why it is being replaced.

E. Councilmember Marler
F. Councilmember Destin
G. Councilmember Morgan
H. Mayor Gary Jarvis

1. Public Beach Initiative

The Mayor provided the following presentation:

<u>Project Overview</u>

- July 26, 2018 Special City Council Meeting
  <u>Motion</u>: Authorize Mayor Gary Jarvis to lead the initiative of trying to acquire more public beaches, with assistance from the City Attorney Jeff Burns and City Land Use Attorney Kimberly Kopp, and to have preliminary discussions with land owners at their discretion passed 7-0

- Seeking Direction

- ❖ Prioritize available land options
- ❖ Identify/decide upon funding sources
- ❖ Guidance moving forward

- ➢ The need for public beach (citizens/visitors' emails to Council)
  - ❖ "So how do I, as an 18year citizen of Destin, gain access to the water? Walk over people in the public area? The public area boundaries are not marked, so what if I "trespass" on to the "private" beach. The tourists have no idea what is going on or where to set up on the beach."
  - ❖ "I own a house and live year-round in Crystal Shores, Crystal Beach, Destin. We went to the beach on the 4th of July at 8:00 AM with out-of-town guests and were shocked that we could barely find a place by the water to put our 4 chairs. There weren't many people there at that early time, but the beach up by the water was packed with empty chairs and umbrellas from the vendors."
  - ❖ "I am not usually one to write about being disappointed in something I have done or somewhere I have been, but this really has gotten me upset. After 12 great years of enjoying our yearly vacations to the Destin area, sadly we will not be returning to the area. While the Gulf Coast is hard to beat with the beauty and ease of vacationing, you have now blocked the beach for us second class visitors."

<u>Current Measurements of Beach Parks (Gulf Front)</u>

- ➢ Public Gulf Front parks (in feet)
  - ❖ June White Decker – 80 feet
  - ❖ James Lee Park (County) – 1500 feet
  - ❖ Shores at Crystal Beach – 68 feet
  - ❖ TOTAL: 1648 feet

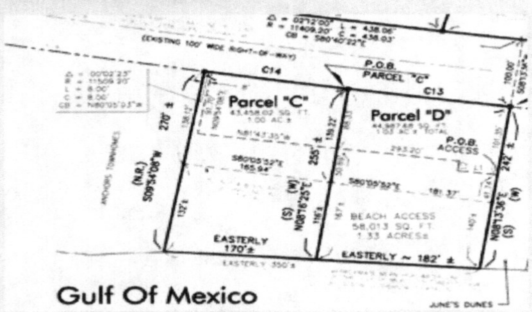
- ➢ Gulf Front – Capri by the Gulf
  - ❖ Parcel Acreage: 2.1 acres
  - ❖ Parcel Beach Acreage: 0.68

- ➢ Gulf Front – Crystal Port
  - ❖ Shores at Crystal Beach Park
    - Parcel Acreage: 0.43 acres
    - Beach Acreage: 0.25 acres
  - ❖ Crystal Port
    - Parcel Acreage: 0.33 acres
    - Beach Acreage: 0.13 acres

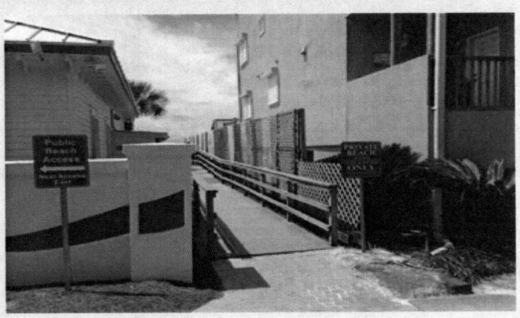
- ➢ East Pass Preserve – Parcel B
  - ❖ State Land: 20.35 acres
  - ❖ Parcel B: 11.69 acres
  - ❖ Parcel C: 1.84 acres

Restaurant Row Redevelopment
Dedicated Beach Access

Restaurant Row Redevelopment
Dedicated Beach Access



Restaurant Row Redevelopment
Dedicated Beach Access – before closure



Restaurant Row Redevelopment
Dedicated Beach Access – after closure

Councilmember Dixon noted that Parcel B contained spoil easement; adding that this particular parcel has a lot of issues that they would need to look into.

The City Attorney added that the owner of Parcel B made it clear he would want to reserve the right to put beach chairs on that property; and that he would retain a certain amount of acreage for himself.

Councilmember Destin suggests they seek preliminary negotiations with the County TDD, Triumph Gulf Coast and Trust with Public Lands with regards to financing; adding that these three entities together may be able to fund the total amount and the City would take on the obligation of maintaining the park in perpetuity. He also like to hear further explainations as to the nature of the holdout on the two unit owners.

Mr. Jay Roberts of the Capri Owners Association explained that Capri by the Gulf was a hotel built in the 1960s. It was then redeveloped in 1981 into town homes. The Association owns all the common areas outside the footprint of each of the units; and the individual owner owns the units. There are 24 units with 22 owners. Owners of 21 units have signed on to this plan. As far as the three potential holdouts, only one person has indicated she is definitely not interested in selling her unit, which is located in the northeast corner of the property. The other two units are located adjacent to that property, and that they have not received specific objections from the owners of those two units.

Councilmember Dixon asked about the price of the Crystal Port parcel; to which the Mayor replied $3.6 million.

Councilmember Ramswell suggests they also looked into the property to the west of Crystal Port. It is a major access point utilized by the lifeguards as well as multiple vendors.

The Mayor noted that the west of Crystal Port is owned by the same group except it is in a different contract agreement with another corporation. They would have to determine who would sell the property or if they want to sell it at all. However, they would be willing to lease the beach portion for a fee until that issue is resolved.

Councilmember Ramswell also noted that the owner of the lot immediately west of James Lee Park, which is currently a vacant lot, has 69 feet of beach access as opposed to 50 feet with Crystal Port. The asking price for the property is $5 million.

There was a general consensus amongst the Council to pursue both Capri and Crystal Port options, and to continue dialogue with property owners. The Mayor and city attorneys will bring back some options and seek policy direction from the City Council at the November 19th Council meeting.

Next, the Mayor informed the Council they had deeded public beach access that was part of Sterling Shores development order; and that there was some vague language that according to the Land Use Attorney may have to be addressed in court.

According to the Land Use Attorney, the deeded public beach access was the condition of the development order; however, it was not specifically dedicated to the City on the plat and she had not seen any recorded document showing the public beach access.

The City Attorney opined there is an implied dedication because the picture seemed to indicate there was a beach access there at one point where they allowed people to use it.

The City Attorneys and City Manager will investigate this issue and report back to Council.

I. Land Use Attorney
J. City Attorney

The City Attorney suggests scheduling a workshop to discuss the mooring field idea, and engaging Mr. Matt Trammell of Taylor Engineering to share his knowledge in this area.

1. Clarification of Design Work to be Continued and/or Discontinued

The City Attorney noted this item is related to the City's contract with Tetra Tech, Inc. and that Council directed the City Attorney to prepare a letter of termination.

The City Attorney Associate, Steve Bauman, stated that after the Council had voted to direct the City Attorney to prepare the termination document, City staff provided them a copy of work order #35 which became part of this contract. It is an ongoing work order for the Calhoun Pedestrian Improvement and Boardwalk. He stated that before they can write a 30-day termination letter, they need to be sure the Council still wishes to do so knowing that a project is currently ongoing. It would then terminate all work under the contract.

According to the Interim City Manager, the day after Council adopted the motion to have the City Attorney prepare a letter of termination, staff did some research and discovered work order #35 that was tied to the same contract as the park. They reported it to the City Attorney immediately and suggested they inform the Council to get further direction. He stated that work order #35 was for a conceptual drawing of the pathway going underneath the bridge, the cost of which was approximately $30,000. He continued that Tetra Tech, Inc. has already provided two of the drawings. Some of the other items listed on the work order that have not been fulfilled included some public meetings and other documentations. He also stated that approximately $20,000 has been spent on this work order, which is nearing completion. He added that they have possession of the drawings, which under the current contract, belong to the City. The City would be obligated to pay for the work that had been completed under this work order, and then any work products, such as the conceptual drawings, would then belong to the City.

Councilmember Braden moved to re-affirm the decision to terminate the City's contract with Tetra Tech, Inc., and direct the City Attorney to write a termination letter giving a 30-day notice. Councilmember Dixon provided a second to the motion.

Councilmember Ramswell asked when the final drawing is due for completion.

According to the Interim City Manager, the work order did not specify a due date.

Councilmember Overdier asked who would perform the work on the new park if they terminate this contract with Tetra Tech, Inc.

According to the Interim City Manager, they have a continuing services contract with another engineer; adding they wanted to wait for the Council to decide on this issue before they contact him to see if he would be able to handle the additional workload; otherwise, they could go out for another continuing services contract.

Councilmember Marler stated that they would only be delaying completion of this park if they choose to terminate the contract with Tetra Tech, Inc.

According to Councilmember Ramswell, this whole issue is about Tetra Tech's mishandling of the Heritage Park development in different phases and overcharging the City.

Councilmember Destin announced he would abstain from voting as he has relatives that own a corporation involved litigation with regards to the park property.

The Mayor called for a vote on the motion, which passes 5-1 (Council members Morgan, Overdier, Dixon, Ramswell and Braden voted "yes"; Councilmember Marler voted "no"; Councilmember Destin abstained from voting).

<u>Following this item, the next item discussed was agenda item 6E</u>

Having no further business at this time, the meeting was adjourned at 8:25 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk