MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
AUGUST 5, 2019
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 Prebble Ramswell
Councilmember Steven Menchel	Councilmember Chatham Morgan
Councilmember Cyron Marler	Councilmember Skip Overdier
Councilmember Parker Destin	Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson	City Clerk Rey Bailey
Code Compliance Manager Joey Forgione	Deputy City Manager Webb Warren
Parks/Recreation Director Lisa Firth	Building Official Noell Bell
Public Services Director Michael Burgess	Finance Director Bragg Farmer
Community Development Director Louis Zunguze	Public Info Manager Catherine Card
City Land Use Attorney Kimberly Kopp	City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Logan Landes of Grace Lutheran Church gave the invocation, which was then followed by the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Destin moved to add on the agenda, under Section 7H - Mayor Gary Jarvis, the *"Beach Service Discussion"* and approve the agenda as amended; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

1. APPROVAL OF MINUTES

A. Approval of minutes of July 17, 2019 Budget Workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of July 17, 2019 Budget Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of July 8, 2019 Budget Workshop

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve minutes of July 8, 2019 Budget Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Approval of minutes of June 3, 2019 Regular City Council Meeting

Motion by Councilmember Overdier, seconded by Councilmember Marler, to approve minutes of June 3, 2019 Regular City Council Meeting passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS/ RECOGNITIONS /SPECIAL PRESENTATIONS/ ANNOUNCEMENTS

A. Presentation: AT&T – Mr. Tim Hawkins, Senior Real Estate & Construction Manager for AT&T

Mr. Tim Hawkins provided the following presentation:

<u>AT&T – Strengthening Connections Today, While Building for Tomorrow</u>

- Small Cells – Answering the customer's call for more
    - People everywhere are using connected devices for nearly everything
        - We use our mobile devices to hail rides, send emails, pay bills, stream shows and work remotely
        - We depend on apps for critical weather alerts and virtual maps for navigation services
        - Wearable devices can check our vital signs and monitor our health
        - Access to these solutions is no longer a luxury. It is essential to our daily lives
        - Small cells are flexible network solutions that can be readily deployed to heavily populated locations that are prone to connection issues or that cannot be served by traditional macro cells. They deliver increased data capacity, help enable higher connection speeds and bring an overall better wireless experience to customers today, while also preparing us for the technologies of the future
    - What the demand looks like on AT&T's network
        - Data Traffic on AT&T's mobile network has grown more than 470,000% since 2007
    - Why Small cells?
        - Provide much needed capacity for exploding wireless demand that is overwhelming macro-towers built for coverage
        - Support the growing number of new connected devices and mobile applications in the marketplace
        - Support 5G and prepare our network for the next generation of technologies
        - Position Florida as a leader in connectivity and help ensure our state has the 21st century infrastructure needed to remain competitive
    - The footprint, or serviced area, of a site is determined by height and by frequency band

- Macro-cell (4G LTE)
  - The common form factor for wireless communication. Higher height and lower frequencies used result in the largest service area
- Current Small Cell (4G LTE)
  - Uses the same frequencies as macro-cells, in addition to utilizing unlicensed spectrum. Due to lower height, footprint is smaller. Increases capacity or coverage in target areas
- Future Small Cell (5G)
  - Very high frequencies enabled by future 5G technology result in smaller footprint but can be used in future 5G in order to meet the exponential increased capacity demand. These frequencies are not used for wireless service today

❖ What is a Small Cell?
- Average co-ax length stemming from small cell radio to antenna: about 20-30 feet
- Average length of new fiber deployed connecting small cell to fiber network: about 205 feet

❖ AT&T in Florida
- Nearly 5.4 million strand-miles of fiber-optics in Florida
- 1,187 wireless upgrades made in Florida in 2018, including 47 new cell sites
- 1,271 wi-fi hotspots in Florida s as of July 10, 2019
- 99.3% of Florida covered by the AT&T mobile broadband network as of May 10, 2019
- More than 12,100 employees working in Florida as of June 30, 2019
- Nearly $3.2 billion invested by AT&T in its best-in-class wired and wireless networks in Florida from 2016-2018

❖ AT&T Small Cell in Destin
- 39 sites
  - 31 sites at 30 feet
  - 8 sites at 37 feet

DISCUSSION

Councilmember Menchel asked if the towers are exclusive to AT&T or if other providers would be able to utilize them.

Mr. Hawkins replied that the frequencies that they broadcast are licensed and are exclusive to AT&T.

Councilmember Marler noted that AT&T placed some cell towers at Harborwalk and Emerald Grande last year without first notifying the property owners. Some of the property owners were not happy about the location of one of the poles. It was placed at the corner of the property right by the reader sign. Councilmember Marler requested that affected property owner(s) be notified before a cell tower or pole is placed in front of their property.

Mr. Hawkins stated they would start notifying property owners in advance going forward.

Councilmember Ramswell noted that a few years ago, AT&T had installed a tower across from James Lee Park. It was supposed to be an emergency effort at the time because of the quality of service or lack thereof in that area. There were two towers in Destin at the time, but there was a problem with one of them, so they had been limited to one cell phone traffic coming from one tower and there was not an adequate capacity to support the residents as well as the tourists. She asked how AT&T is working to address this issue.

According to Mr. Hawkins, the small cells have a plan for relieving capacity from the macro-sites. They currently have three towers: one at Harborwalk, one on Matthew Blvd, and one at Village Baptist Church.

Councilmember Ramswell asked if other providers, such as Verizon and T-Mobil, need to have their own towers, or are they all in some sort of a partnership whereby they could share towers.

Mr. Hawkins stated they have a partnership with regards to small cells; but the current towers they are building are strictly for AT&T.

Referring to the slides showing proposed location of towers (color-coded), the Mayor inquired as to the timeline on construction of the towers.

Mr. Hawkins explained that the green colored ones are currently operational. The yellow ones are to be completed by next month, and those in red are currently in permitting and are expected to go up within the next 120 days.

Public Services Director Michael Burgess noted they are asking AT&T to put streetlights on many of the small cells as they go up since the City has a shortage on streetlights; and that AT&T has agreed to do so. He added that AT&T will also pay for the electric bill for the streetlights.

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

Ms. Joan Hall complained about the loud noise coming from the construction site behind Winn-Dixie, which is within 100 feet from her home. She stated she has a petition with 100 signatures from people asking that construction activities not to commence at 3:00 AM and not to be held on Sundays.

Councilmember Destin asked the Land Use Attorney to contact the appropriate construction company and asked if they would agree not to these terms.

The Land Use Attorney stated she would speak with the attorney for the property owner who controls the construction company.

Councilmember Braden wants to know why they allow construction companies to commence work at 3:00 AM.

The Building Official Noell Bell noted that the City's noise ordinance allows construction companies to pour concrete starting at 3:00 AM; adding it is the only construction activity allowed to commence at 3:00 AM. She added that normal construction time is 7:00 to 10:00 AM.

The City Attorney noted that they used the standard template from across the State when they drafted the ordinance; however, the Council has the right to legislate an amendment to the code.

Mr. Alex Metz, a beach vendor, requested that Ordinance 18-15-LC, *Use of Wheeled Vehicle on the Beach*, be amended to include the condition approved by the Council on first reading but was not reflected in the ordinance when it was adopted on second reading. He continued the condition was that each vendor shall be allowed one vehicle per location with a maximum of three vehicles.

Mr. Metz also presented a document listing other recommended changes to the ordinance. One recommendation was to allow the use of light wheeled vehicles, such as an ATV, at their location; stating that this is critical to their day to day operation. He also asked that all City codes regarding beach vendors have an effective date of January 1st of the following year; thus, giving time to the Code Compliance Division to be able to inform and properly enforce each ordinance. It would also give vendors time to amend or defend their business practices and supporting the cohesiveness that the City Council strives to create between the City and vendors.

Ms. Patti Brown recommends the City considers amending not only the number of vehicles but also the time vehicles are allowed on the beach and the extended use of ATVs on the beach, to enable the vendors to service their customers and properly run their business.

4. CITY MANAGER REPORTS

A. Schedule of Fees – Resolution 19-11

The City Manager noted that he handed out a sheet to the Council members at the beginning of the meeting entitled "*Fee Schedule Corrections*." He explained that on page 14 of the Schedule of Fees, under "*Short-Term Rental; Rental Registration Fees*" the current charge is $200. The following three options will now apply:

Option A: Graduated fees based on square footage of unit

UNIT SQUARE FOOTAGE	CC-STR REG FEE
Less than 2499 sq. ft.	$500
2500 – 4999 sq. ft.	$600
Greater than 5000 sq. ft.	$700

** Square foot based on building file data

Option B: Flat Rate Fee

Flat Registration Fee $500

Option C: No Change

The City Manager also pointed out there is a typographical error on page 17 of the Fee Schedule. The line item under *Major Developments* should have read "$4,250" and not "3,250."

Councilmember Destin moved to adopt Resolution 19-11 and the associated Schedule of Fees for Fiscal Year 2019, with the amendment of Option A: Graduated fees based on square footage of unit on page 14, and to correct the scrivener's error on page 17 of the Fee Schedule changing the fees for Major Development from $3250 to $4250. Councilmember Marler provided a second to the motion.

Councilmember Braden questioned the following entries on page 24 of the Fee Schedule:

Joe's Bayou Recreation Fees

- Commercial Daily Launch/Recovery Fee — $20.00 per Trailer
- Destin Based Commercial Launch — $1,030 per year

The City Manager explained that a few years ago, the Council voted to give commercial vessels the opportunity to pay daily. Prior to that, they only pay for a yearly permit. The intent was to pay $20.00 each time a boat is launched.

Councilmember Braden noted that parking is still set at $5.00 per day. He was under the impression they plan to increase it this year.

The City Manager explained they would still have the opportunity to adjust it after the start of the new fiscal year. They just want to go through this summer season and then come back to the Council with some options including installing the gates which have been discussed.

Councilmember Menchel stated that aside from short-term rental registration fees and development fees, there seemed to be other fee schedule changes the Council suggested to be voted on tonight.

Community Development Director Louis Zunguze explained that increasing the impact fees on major developments is pending. There is a required study that was supposed to be conducted before they could raise those fees.

Councilmember Morgan stated that he cannot support any of the fee increases since they are not lowering the millage rate this year.

Councilmember Ramswell noted there seemed to be other fees that are missing such as fees based on code enforcement incidents like the Special Magistrate fees and increased fees for non-compliant with Special Magistrate's orders.

Code Compliance Manager Joey Forgione explained that increasing the administrative fees for the Special Magistrate hearings and increasing the parking fees require code amendments. Those would be brought back to Council at a future date.

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

B. Community Center Stucco Repair

The City Manager explained that the stucco has been eroding the past several years. He asked for Council's authorization to spend an amount not to exceed $100,000 to repair the damaged stucco.

Councilmember Overdier moved to authorize the City Manager to initiate a contract with a qualified stucco repair contractor in an amount not to exceed $100,000 funded from the City's unallocated fund balance and make the appropriate budget amendment; seconded by Councilmember Menchel.

Councilmember Braden wants to know the extent of the damage and if the City can file an insurance claim for the repair of the facility.

Public Services Director Michael Burgess noted that on July 12, 2019, representatives from Porter Roofing, one of the City's continuing services contractors, was at the Destin Community Center investigating a leak in the area of the building's cupola. They discovered cracks in the building's stucco that had allowed water to accumulate behind the cement-type layers of the wall. When pressed, water would emerge from behind the stucco. In addition, it was reported that some of the windows in that area had missing sealant or the sealant had dry rotted.

The City Manager stated that the City's HR Manager turned the matter over to the insurance company, but the coverage was denied. He will find out the exact reason for the denial of coverage.

Councilmember Ramswell commented that if some of the windows in this facility have missing sealant, it could be one of the potential causes of the stucco problems. She asked when the windows in that facility were replaced.

Parks/Recreation Director Lisa Firth stated that they are the original windows; adding that the location were the contractors were pushing on the stucco was up on the cupola above the stage. Those windows have actually been sealed 5 or 6 years ago.

Councilmember Ramswell wonders if those windows were properly sealed when they were put in and whether it was a construction error. As far as the dry rot issue, how often are they supposed to be sealed and if that is being done.

The City Manager noted that when he was hired by the City in 2002, the Community Center along with the windows in the front foyer were already leaking. Public Services once tried to caulk all those windows, but it did not work. He added they have hired professional window companies to come out and re-caulk the windows to no avail.

The Mayor suggests they investigate other constructional issues and to make sure the windows stopped leaking prior to doing the stucco repair.

Mr. Burgess noted that the Council approved the repair of the windows in last year's budget.

Ms. Firth added they had some leakage on the Community Center roof; but the roof is now sealed and so they could go ahead and have the windows repaired. The plan was to have the stucco repaired shortly after the repair of the windows.

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

C. Development Review/Municipal Software Solution

Deputy City Manager Webb Warren provided the following update on the status of the Development Review/Municipal Software Solution:

- In 2019, staff established a software implementation tam with representatives from different departments
  - Team has been collaborating to find innovative solutions to improve organizational efficiency in permitting, review, inspection, code compliance and financial processes
  - The organization has experienced a tremendous amount of change in a short period of time
    - Code Compliance Department and the Community Development Department have filled crucial positions in recent months
- Summary of efforts by the software implementation team include the following:
  - Identified challenges and opportunities for improvement in organizational process and workflow
  - Identified desire outcomes from any proposed initiative
  - Received feedback from similar municipalities who are currently engaged in initiatives to improve their organizational processes
  - Attended numerous demonstrations from industry-leading civic software solution providers
  - Identified available funding for this project
- Some challenges and opportunities for improvement in organizational processes and workflow include:
  - Information is not unified among departments related to the permitting, review, inspection and code processes.
  - The Citizenserve software package was a relatively low cost and allowed for quick entry to digitize the code enforcement processes as well as manage rental programs; however, staff has identified shortcomings in its community development and financial processes
  - Institutional knowledge is still heavily relied upon to locate existing site approvals and to retrieve other information
  - On-line tracking of permits is not currently available. This requires additional time from staff fielding calls and emails

- Some desired outcomes of this initiative:
    - Digitization and unification of all workflow for planning, inspections, building permits and code processes
    - Reduced cycle times for permits, plan review, inspections and development orders
    - Ability to migrate data from existing systems into a consolidated system
    - Decreased email and phone traffic between customers and employees
    - Reduced errors in process (overlooked approvals, misplaced documents)
- The City has solicited feedback from cities such as the City of Sanibel Island, Hallandale Beach, Marco Island, Gulf Shores and several others
    - These cities are all in various stages of implementing new software to facilitate process improvement, from the procurement stage to the 5th year of implementation
- Feedback from other cities emphasizes that proper internal and external resources are dedicated to any project of this magnitude. Specifically, departments must have proper staffing levels for this project to be successful
- City staff has been provided numerous demonstrations and information from industry-leading civic software solutions provider
- Energov fully integrates with the City's existing financial system, Tyler Technologies/MUNIS

Councilmember Braden noted that the Council approved this project over two months ago; adding he is disappointed they have not gotten started until recently and that it would take two years to implement the program.

Councilmember Marler stated that part of the reason it is taking so long is that they have to make sure the system they obtain will interact with the other system within the City.

Mr. Warren pointed out that the core part of the system will be substantially completed and installed in approximately one year; and that there will be some ongoing developments beyond that point.

Councilmember Ramswell suggests they start helping this process by having people scan materials in a logical fashion within their own department.

Mr. Warren stated they have already spent numerous hours scanning information. It is a very tedious and time-consuming process and they want to get it into the hands of the professionals so they could move things as expeditiously as possible. He continued that these are paper documents they have accumulated the last 35 years and are in numerous different formats. They believe what they are presenting to Council now is the most efficient and quickest way they can accomplish this task and then just focusing on efficiency.

Councilmember Menchel asked when they could actually access the system.

Mr. Warren pointed out that part of the contract negotiation is actually establishing the start date for the system; adding that initial conversations indicate they could potentially turn the system on early next year and then go live a year after that.

Councilmember Menchel inquired as to the estimate for an outside vendor to perform all the scanning work.

Mr. Warren stated it would be approximately $70,000.

Councilmember Menchel moved to authorize the City Manager or his designee to negotiate and execute a contract, not to exceed $200,000, for Tyler Technology's Energov municipal software solution and to be paid for out of the Community Development technology fun. Councilmember Ramswell provided a second to the motion.

Councilmember Destin asked what sort of security protocol they plan to implement to fight the epidemic of ransomware virus.

Mr. Warren noted they have network security they are focusing on with existing staff. They also rely upon their partnership with Microsoft who is Energov and who is doing their webinar on software security. They are confident their data will be secured.

Councilmember Braden asks that the City Manager provides a progress report to the Council at every Council meeting until this project is completed. Furthermore, once they hired a company to perform this service, for the City Manager to ensure appropriate department heads attend all required training as scheduled.

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

D. Digitization of Community Development Department Files

Motion by Councilmember Menchel, seconded by Councilmember Ramswell, to authorize the City Manager to enter into an agreement with a digitization service, not to exceed $70,000, for digitization of City records and fund the tasks with the unallocated fund balance and make the appropriate budget amendment, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

E. 2020 Strategic Plan Summary

The City Manager noted that on May 15, 2019, Council participated in a one-day strategic planning session to identify and prioritize Key Customer Groups, FY 2020 Policy Objectives, FY 2020 Management and the 2020-25 areas that the City should focus on. Results from this session have been summarized in the Strategic Plan Summary. Once the Strategic Plan Summary is approved by Council, staff will develop work plans for the items and then incorporate them into the Strategic Goals Tables. The Strategic Goals Table is a living document that staff updates annually following the visioning session. It is divided into 5 strategic focus areas and includes goals and objectives set forth with Council consensus this year as well as in previous visioning workshops.

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

F. Haas Center Study for Beach Initiative and Triumph Application

Mr. Warren explained that the City has had a pre-application for $12 million of funding to Triumph approved by Triumph staff. While this is not a binding approval for funding, it does provide the City feedback and a green light to continue with the very detailed Triumph application process. A critical component of the application process is establishing clear economic metrics to support the beach initiative project. The City engaged the Hass Center at the University of West Florida to perform a study outlining the economic impact of current Destin beaches and the potential benefits of their beach initiative project.

Councilmember Ramswell stated this seemed to be a lot of money to spend just for an application and providing various metrics to support the different needs of the application. She noted that the Haas Center has admitted in their own letter that they have done a study on Destin and a study for the Okaloosa TDC; and that most of these facts and figures are available online through their TDC. She asked why they still need to spend so much money when they already have access to this kind of information.

Mr. Warren noted that Specifically, the City must demonstrate quantitative evidence demonstrating how the proposed project or program will promote economic recovery, diversification and enhancement of the disproportionately affected counties and cities. He also stated that in reviewing successful and unsuccessful Triumph funding applications, they determine that it boils down to job creation.

The Mayor stated that in order to obtain the $12 million Triumph funding, the City needs to be able to show a return on investment on which Triumph needs to base their decision. The Haas Center was instrumental in the last time the City had an evaluation on the importance of the Destin Harbor.

Councilmember Ramswell maintains that the Haas Center already has studies and all sorts of completed surveys and resource and data that are readily available.

Councilmember Destin stated that when they negotiate the contract with the Haas Center, they could have an understanding that where there is already research data that could answer some of the questions for the City that they do not conduct another study to re-create that data.

Councilmember Destin moved to authorize the City Manager to negotiate and execute a contract with the Haas Center at the University of West Florida for up to $59,000 to fund an economic study and allocate $20,000 from the City Council contingency account, $5,000 from the City Manager contingency account, and $34,000 from the unallocated fund balance and to make the appropriate budget amendment. Councilmember Menchel provided a second to the motion, which passes 5-2 (Council members Morgan, Destin, Marler, Overdier and Menchel voted "yes"; Council members Ramswell and Braden voted "no").

G. Beach area paid parking update (Verbal Update)

Mr. Warren informed the Council that they have done a lot of research on this subject and that staff would be bringing it back within the next two meetings for further information relating to beach parking. In the meantime, they would be correcting some drainage issues on the side of the road down by Norriego Point in one of the areas they would be proposing for paid parking.

H. Capt. Royal Melvin Heritage Park Plan

The City Manager requests approval of the final drawings/construction plans for the Captain Royal Melvin Heritage Park. Once approved by Council, staff will seek final approval from the Florida Community Trust and then move forward once the construction grant is approved the US Treasury.

Councilmember Braden asked if they could send the project out for bid while waiting for approval from the Florida Community Trust and US Treasury; and what is the anticipated timeline for approval.

The City Manager stated that if they start the process of construction without funding approval from the US Treasury, they will not be reimbursed for the money they spent. He also stated that he does not anticipate any major issues since all the required elements are still included in this project, and that he expects to get approval from the State within 60 days; after which they expect the US Treasury to approve the ORAC grant for construction.

Councilmember Marler moved to approve the Capt. Royal Melvin Heritage Park plans subject to meeting all applicable land development and building codes and authorize the City Manager to forward the approved document to the Florida Community Trust; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

I. Electrical utilities undergrounding priorities

Councilmember Destin provided the following suggestions for the City's undergrounding priorities as part of the City's franchise negotiations with Gulf Power:

1. Public Health/Safety Services – i.e. Fire Department, Police Substation, Nursing Homes, Hospitals, EOC
2. US Hwy 98 – main feeder lines/thoroughfare
3. North / South major roads back into the neighborhoods

According to the City Attorney, the City Manager is drafting a letter to send to Gulf Power. They will be attaching some sort of visual aid, so they know the general phasing for their priorities. The above list is an attachment from the previous Gulf Power when they provided a ballpark estimate to the City. This is their suggested phase development.

Councilmember Destin noted that Southern Company previously provided the City a cost estimate of $169 million, which in his view was grossly overestimated. But he expects something less next time just by virtue of having NextEra, who is actually interested in undergrounding their own utility, unlike their predecessor the Southern Company. However, they would need to give NextEra a priority of what they want to see from a phase and undergrounding standpoint so they could generate a new estimate.

Councilmember Ramswell stated it would make more sense to underground US Hwy 98 first so that in case of an emergency, when power lines are down in significant places, they would need to have US Hwy 98 cleared for evacuation and emergency routes.

J. Membership appointments to the Short-Term Rental Task Force

The City Council appointed the following members of the Short-Term Rental Task Force.

Councilmember Morgan announced he would not be nominating anyone at this time.

Councilmember Destin moved to appoint Mr. Jeff Marken to the Short-Term Rental Task Force, seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Marler moved to appoint Mr. Bruce Craul to the Short-Term Rental Task Force, seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Overdier moved to appoint Mr. Ken Wampler to the Short-Term Rental Task Force, seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Menchel moved to appoint Ms. Marcie Bell to the Short-Term Rental Task Force, seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Ramswell moved to appoint Ms. Patti Brown to the Short-Term Rental Task Force, seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Braden moved to appoint Mr. Scott Hickey to the Short-Term Rental Task Force, seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

K. Announcements

The City Manager made the following announcements:

- August 12, 2019, 6:00 PM – Final Budget Workshop
- New IT Manager (Matthew Pace) and Stormwater Manager (Sara Sims) are on board

5. PUBLIC HEARINGS

A. Second reading of Ordinance 19-12-LC – Motor Vehicle Tent Sales

The City Attorney read proposed Ordinance 19-12-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA REGULATING THE SALE OF MOTOR VECHICLES UNLESS CONDUCTED BY A BUSINESS WITHIN OKALOOSA COUNTY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR AN AMENDMENT TO ARTICLE 7 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

The Land Use Attorney noted an amendment made to the definition of "Motor Vehicle" to include trailers.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance. Hearing none, the Mayor closed the public hearing and turned the matter over to the City Council for discussion and consideration.

Councilmember Menchel moved to approve Ordinance 19-12-LC, as amended, on second reading; seconded by Councilmember Overdier. Motion passed 5-2 (Council members Marler, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Morgan and Destin voted "no").

6. CONSENT AGENDA

A. Morgan Sports Center Walking Trail Repair/Resurfacing
B. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the Florida League of Cities Legislative Policy Committee Meeting in Orlando, Florida from July 18-19, 2019

Motion by Councilmember Marler, seconded by Councilmember Ramswell, to approve Consent Agenda items 6A and 6B, as printed above, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

A. Councilmember Braden

Councilmember Braden requested that a dumpster be placed at the old Cemex plant to put in all the pipes and debris that were left after they cleared the lot. He also suggests putting some signage at the entrance to the lot that says, "For Overflow Boat Trailer Parking" and "Park at your own risk" to replace the existing "No Trespassing" sign.

B. Councilmember Ramswell

Councilmember Ramswell complimented Michael Burgess, Public Services Director, for his effort in making sure FDOT placed a warning sign on the Marler Bridge.

C. Councilmember Menchel

At this time, Councilmember Menchel asked Mr. Guy Tadlock to come forward and describe the navigable hazard at East Pass which he brought to the Council's attention via email.

Mr. Tadlock noted that two weeks ago Sunday while leaving East Pass and approaching the #1 sea buoy, he noticed that the approach marker appeared to have been moved or drifted from where it was several weeks before. He cautiously navigated between the red and green markers at dead idle and tagged the bottom pretty well and stirred up a fair amount of sand. Upon returning he radioed the Coast Guard Station Destin to report the navigable hazard but got a response from Station Mobile. He did not have sufficient copy to communicate and radioed back and cleared the channel. After docking he called Station Destin by telephone and reported the hazard. He stated that the shoaling and the lack of proper channel marking is getting to be a very serious hazard.

According to Mayor Jarvis, all the larger boats are currently going 100-175 yard of the red marker on the east side of the channel; and that none of the charter boats that draw more than 3 feet are using the channel.

The City Attorney noted that with regards to the dredging of the East Pass, the East Pass trial did commence a week ago and that according to the City's special counsel, it did go extremely well for Destin. The administrative law judge have not ruled on the matter; however, they do anticipate that Destin would prevail.

Councilmember Menchel made the following requests:

- For the City to address the navigable hazard at East Pass, as described by Mr. Guy Tadlock, to the proper authority
- For staff to make sure all slide presentations are included in the Council packet or provide a hard copy to the Council
- Staff to invite someone from the Emerald Grande and FDOT, if possible, to the next Council meeting to discuss funding for the right-turn lane from US Hwy 98 to the Harborwalk Village
- Staff to make sure all Code Compliance Department vehicles have the appropriate tablets and printers installed
- Staff provides the Council a copy of the Action Agenda the City Clerk prepares after every Council meeting

D. Councilmember Overdier

1. Voting Delegate – Annual Florida League of Cities Conference

It was the consensus of the Council to designate Councilmember Overdier as voting delegate to the Annual Florida League of Cities Conference.

E. Councilmember Marler
F. Councilmember Destin
G. Councilmember Morgan

1. Advance funding of PD&E Study on Airport Road to Calhoun Avenue

Councilmember Morgan noted that during a recent TPO meeting, Destin was moved from 14th to 3rd on the TPO's priority list of projects to be funded for the US Hwy 98 redesigned from Airport Road to the Marler Bridge. They are looking at an advanced funding for the PD&E study. They need somebody from the City, preferably an elected official, to meet with FDOT representatives to discuss the advance funding for the PD&E study.

Motion by Councilmember Morgan, seconded by Councilmember Menchel, to authorize the Mayor to represent the City in the fact-finding meeting with FDOT to discuss the advance funding agreement for the PD&E study and bring information back to Council passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

H. Mayor Gary Jarvis
   1. Beach Service – Discussion

Mayor Jarvis noted that they previously received a hard copy of suggestions from the beach service industry regarding vehicles on the beach ordinance. He asked that this item be placed on the next Council meeting agenda for discussion.

The Land Use Attorney will provide a draft ordinance for discussion.

Councilmember Braden stated that it is hard for him to accommodate these vendors when they have not been following the rules and have been disrespectful to authority for the past several years.

The Mayor stated they do not want to penalize the good operators. They need to develop a clear and concise ordinance and then schedule a special workshop with all the vendors that are applying for a business tax receipt and have some discussion about civility in the community.

Councilmember Menchel would like some input from Code Compliance Officer Murray Casey with regards to beach service vendors' attitude.

Councilmember Ramswell asked the Land Use Attorney to address the language that was inadvertently excluded from the second reading of the wheeled vehicle on the beach ordinance.

The Land Use Attorney noted there was a conditional language that was included in the motion during first reading of the ordinance that did not get included during the second reading. They will incorporate this language into the ordinance.

I. Land Use Attorney
   1. Bert J. Harris litigation update

The Land Use Attorney announced that the City received about 8 Bert J. Harris pre-suit notices in connection with short-term rental maximum occupancy regulation. These documents are currently under review. They will bring this item before the Council at an upcoming meeting with staff's recommendation on whether to enter into a settlement agreement.

Mayor Jarvis asked the Finance Director if he feels they have budgeted enough for legal expenditures in the event they have to go to court on these litigations.

Mr. Farmer noted there is $100,000 in the budget for miscellaneous legal representation for the City's two ongoing cases; but it may not be enough to include the Bert J. Harris cases.

According to the City Attorney, they have a diminishing policy for $100,000 which they are currently using to litigate against the Destin Fishing Fleet.

J. City Attorney

The City Attorney provided a status update on the ongoing Bert J. Harris claim from the Destin Fishing Fleet. He stated they have scheduled depositions of the City's corporate representatives scheduled for August 13th. On August 27th they have a case management conference with Judge Stone; at which time they anticipate Judge Stone entering a scheduling order which would require the City to draft and file any dispositive motions, set discovery limits and set a trial date. He continued that it would be a two-phase trial. The first phase involves whether the Destin Fishing Fleet is entitled to any relief; and if so, then they move on to the second phase which is the damages claim to determine the amount to which the Destin Fishing Fleet is entitled. He added that the City could elect to file a motion for summary judgement on the entitlement issue, which is part of their legal strategy. If such motion is filed, it would probably be set in the September/October time frame.

Councilmember Braden inquired as to the possibility of the Destin Fishing Fleet paying for the City's legal fees if the City prevails in the litigation.

According to the City Attorney, they triggered the attorney's fee provision in the State Statutes when they sent the settlement offer to the Fishing Fleet, which was subsequently declined. He continued that the City will be awarded attorney's fees if the City prevails in the litigation and the presiding judge determines the City made an offer in good faith.

Councilmember Destin asked if there is any benefit to having an economic study conducted which the Council could rely upon as they go forward with some of the claims that they have to litigate.

The Land Use Attorney stated they could try to secure someone to conduct such a study if the Council so desire.

Councilmember Destin asked the Land Use Attorney to come back at some point with some proposals from people that conduct this type of study that this Council might be able to explore.

8. PUBLIC COMMENTS

Ms. Marcie Bell noted that she recently visited James Lee Park and found it quite repulsive. The park is falling apart. Restrooms are filthy; and that there are rusted nails and screws, most of which are on handrails.

Councilmember Menchel stated that the Public Works/Safety Committee has been discussing this park quite regularly because they consider the situation there beyond deplorable. The parking lot lights are out almost all the time and regular maintenance of the park is not being conducted.

The Mayor suggests they send a letter to the County expressing their concerns about the park; and their TDC representatives should also bring it to the attention of the TDC.

Councilmember Ramswell stated that Sandman used to clean the beaches daily; but when the County took over the frequency dropped to 3 times a week. She also stated that the beach has been raked only 7 times during the entire summer season. When she presented this to the County, the County assured her they were going to take care of the issue. But another year has passed and the situation there is worse than ever.

Mr. Guy Tadlock noted that Clement Taylor Park has been down for quite a while. He stated that he is aware of the significant amount of work that has to be done to the park; but he just want to know when it is going to reopen.

The City Manager noted there was a significant damage to the seawall and to the gazebo due to Hurricane Michael; and that the repair is taking a while because the FEMA process is slow. He continued that they could get started on the repair process if the Council is willing to pay for it because until FEMA gives their final approval, they would be operating on their own. However, they hope to be able to reopen the park within the next 3 months.

Mr. Ken Wampler of the Destin Chamber of Commerce stated that the City Council approved a fee schedule tonight that was unpublished as the version of the fee schedule posted on the website did not include changes in the short-term rental registration fees. He noted that the Council raised the fee to a minimum of $500 from $50 just three years ago; adding that no one has that information until the City Manager read it into the record tonight.

Mr. Bill Reddington stated that by not having the changes to the short-term rental registration fees posted on the website, it deprived certain people the opportunity to oppose it. He continued that any dramatic changes to the fee schedule, such as that of the short-term rental registration fees that were approved tonight, should be advertised in advance.

Having no further business at this time, the meeting was adjourned at 8:48 PM.

Gary Jarvis, Mayor

ATTEST:

CITY OF DESTIN SEAL FLORIDA

Rey Bailey, City Clerk