

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
SEPTEMBER 4, 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 Steven Menchel
Councilmember Cyron Marler
Councilmember Parker Destin

Councilmember Prebble Ramswell
Councilmember Chatham Morgan
Councilmember Skip Overdier
Councilmember Rodney Braden

Destin City Staff

City Manager Lance Johnson
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Public Services Director Michael Burgess
Library Director Wen Livingston
Community Development Director Louis Zunguze
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
Public Info Manager Catherine Card
City Attorney Kyle Bauman

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Menchel requested moving up agenda item 2A ahead of the special public hearing for Fiscal Year 2020 millage rate and budget.

Councilmember Destin requested that agenda item 7F1 be moved ahead of agenda item 4A.

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

Next item discussed was agenda item 2A

SPECIAL PUBLIC HEARINGS FOR FISCAL YEAR 2020 MILLAGE RATE AND BUDGET:

A. First reading of Ordinance 19-21-CN – Adopting Fiscal Year 2020 Millage Rate

The City Attorney read proposed Ordinance 19-21-CN by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, ADOPTING THE FINAL LEVYING OF AD VALOREM TAXES FOR THE CITY OF DESTIN FOR FISCAL YEAR 2020; 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 Overdier, seconded by Councilmember Ramswell, to adopt Ordinance 19-21-CN on first reading adopting a proposed FY 2020 millage rate of 1.6150 mills, which is more than the rollback rate of 1.5447 mills, passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

B. First reading of Ordinance 19-22-CN – Adopting the Fiscal Year 2020 Budget

The City Attorney read proposed Ordinance 19-22-CN by title, and then presented it to Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN MAKING APPROPRIATIONS FOR CERTAIN EXPENDITURES, EXPENSES, CAPITAL IMPROVEMENTS AND CERTAIN INDEBTEDNESS OF THE CITY OF DESTIN, FLORIDA, FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Ms. Cathy Hippee, Treasurer of the Emerald Coast Fitness Foundation, stated they have submitted a request to the City for funding for an electronic LED scoreboard to be installed at the aquatic center in Destin to be used for competitive swimming and competition meets. The proposal packet included a copy of the specifications for this item. Proposed price is approximately \$8,500 to include additional cost for the electrician for the work that must be done to install the scoreboard. She also stated that the aquatic center hosts about 20 meets a year that involved the high schools, middle schools, senior games, and the Coast Aquatic USA Swim Team

Mr. Brad Kale, a Destin resident and swimming coach, added there would be athletes coming in from Nashville, Tennessee, Birmingham, Alabama as well as local athletes from Panama City and Pensacola. The scoreboard will allow their facility to be attractive to these types of swim meets.

Councilmember Ramswell stated that she has been quite pleased with the way the aquatic center has been ran the past two years and proved a point that it can be done with the right leadership and personnel. She has also reached out to Ms. Hippee about looking into some sort of

partnership perhaps with the Destin Community Center in developing some sort of way for everybody in the community to work together and take advantage of all sorts of opportunities.

Councilmember Ramswell moved to approve the expenditure of \$8,500 for an electronic LED scoreboard for the aquatic center in Destin and add it to the Fiscal Year 2020 budget; seconded by Councilmember Braden.

The Finance Director requested a funding source for the \$8,500. He stated that the budget is currently balanced.

Councilmember Destin inquired as to the amount currently in the unallocated fund balance.

The Finance Director noted there is currently \$2 million in the unallocated fund balance.

Councilmember Ramswell offered an amended motion to approve the expenditure of \$8,500 for an electronic LED scoreboard for the aquatic center in Destin, and for the amount to be taken out of the City's unallocated fund balance; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion to add the expenditure for the score board in the Fiscal Year 2020 budget and take the money from the City's unallocated fund balance passed 7-0.

Councilmember Destin moved to adopt Ordinance 19-22-CN on first reading adopting the Fiscal Year 2020 budget, to include the non-contingent expenditure of the Emerald Coast Fitness Foundation request for the scoreboard to come from the unallocated fund balance; seconded by Councilmember Ramswell.

Councilmember Menchel offered a substitute motion to postpone the adoption of the budget and direct staff to go back to the TDD and the County to get them to look into the additional 10 percent funding for the Sheriff's contract with the City of Destin. Councilmember Ramswell provided a second to the motion.

The Finance Director explained that the ordinance for the budget is dictated by Florida Statute; and that they cannot delay the adoption of the budget tonight. He continued that the unique position that the budget adoption process in Florida is that they can make any changes to the budget during the second reading of the ordinance without going back to first reading.

The City Attorney reiterated that the County Attorneys will provide the City a memorandum that details the steps that City could take to qualify for the additional funding.

Councilmember Ramswell suggests seeking an Attorney General's opinion on this subject since it has been going on for years.

The City Attorney requests Council allows them to have another meeting with the County so they could formulate a recommendation to the Council on this issue.

Councilmember Menchel made a substitute motion to adopt Ordinance 19-22-CN on first reading adopting the Fiscal Year 2020 budget, to include the non-contingent expenditure of the Emerald Coast Fitness Foundation request for the scoreboard to come from the unallocated fund balance; additionally, direct staff to contact Okaloosa County and explore the additional 10 percent funding of the Sheriff's contract with the City of Destin as provided by statute, and then come back with that information on second reading. Councilmember Ramswell provided a second to the motion. Motion passed 6-1 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Councilmember Marler voted "no").

1. APPROVAL OF MINUTES

A. Approval of minutes of August 12, 2019 Budget Workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of August 12, 2019 Budget Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

B. Approval of minutes of June 24, 2019 City Council Workshop

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of the June 24, 2019 City Council Workshop passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

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

A. Capt. Charlie Nix – Sheriff's Department Contract and Manpower

Capt. Nix from the Sheriff's Office gave the following presentation:
Contracted Area of Responsibility:

- Destin (District 3)
 - ❖ Zone 25 – West Destin
 - ❖ Zone 27 – East Destin
- Calls for Service (generated within the City limits of Destin)
 - ❖ 2017: 28,488
 - ❖ 2018: 29,349

Note: The majority of these calls are answered by the Destin contracted positions.

Destin Contracted Positions

➤ The current Destin contract funds the following positions:

- ❖ 17 Patrol Units
- ❖ 2 Investigators
- ❖ 1 Marine Unit
- ❖ 1 front desk (Stahlman Office)

Note: The current Destin contract does not fund any beach units and only one of 4 marine units.

Manning Considerations

- Contracted positions remain constant throughout the fiscal year
- Spring Break (TDC Funding Assistance for OT)
- 100-Days of Summer
- Holidays

Contract with Sheriff's Office is a Force Multiplier

- Dive Team
- Traffic Homicide Investigator
- CSI Unit Crime Scene Specialists
- Street Crimes Unit
- K-9 Unit
- SRT
- CNU

Comparison I

- Panama Beach
 - ❖ Service Population: 14,000
 - ❖ Calls for Service: 37,897
 - ❖ Full-Time Officers: 68
 - ❖ Budget: \$9,014,760 (FY 2018)

Comparison II

- South Daytona Beach
 - ❖ Service Population: 12,500
 - ❖ Calls for Service: 25,200
 - ❖ Sworn Officers: 30
 - ❖ Budget: \$3.4 million (FY 2018)

Comparison III

- Atlantic Beach
 - ❖ Service Population: 13,608
 - ❖ Calls for Service: 21,226
 - ❖ Full-Time Officers: 29

- ❖ Budget: \$6.4 million (FY 2018)

Comparison IV

- City of Niceville
 - ❖ Service Population: 15,249
 - ❖ Calls for Service: 26,400
 - ❖ Full-Time Officers: 28
 - ❖ Part-Time Officers: 6
 - ❖ Budget: \$2.4 million (FY 2018)

TDC Current Funding

- The TDC currently funds the following:
 - ❖ 2 Marine Positions
 - ❖ 2 Beach Positions
 - ❖ Spring Break Funding (allows for personnel increases to address spring break related issues in Zones 24 (County), 25, 27. The additional manning reduces the added strain to patrol resources)

Note: Currently receiving maximum TDC allocation for public safety allowed by law.

- ❖ 2017: \$125,000 (first year funding from TDC) (1 FTE/Marine)
- ❖ 2018: \$574,000 (3 FTE) (vehicle/vessel and spring break/traffic detail)
- ❖ 2019: \$574,000 (4 FTE) and funding for spring break/traffic detail

Note: TDC approved funding for FY 2020

- ❖ 2020: \$585,500 (4 FTE) and funding for spring break/traffic detail

Challenges

- Challenges that Crab Island presents to our deputies, residents and tourists
- Crab Island has direct impact on issues which will occur on the water and on land within the City limits of Destin
 - ❖ 2017: 760 calls for service (Deaths 2)
 - ❖ 2018: 1068 calls for service (Deaths 5)
 - ❖ 2019 (To Date): 1773 calls for service (Deaths 2)

Note: This also strains resources at the patrol level

Councilmember Braden noted that he previously asked how the City of Niceville had been able to afford a \$2.4 million dollar law enforcement contract, and the answer he received was the City of Niceville has been able to collect taxes from other areas of the City. He continued that the City of Destin does not enjoy the same privilege.

Councilmember Braden asked why the Florida Highway Patrol does not handle traffic accidents in Destin.

Capt. Nix replied that the Florida Highway Patrol is not responsible for working traffic crashes in municipalities with contracted law enforcement services.

Councilmember Braden asked whether the County has budgeted at all for law enforcement services for the City of Destin.

Capt. Nix stated that Okaloosa County budgeted for law enforcement services for Area 26, which is the unincorporated area of Destin.

Councilmember Overdier noted that most of the calls for service come from the 30,000-40,000 people that show up in Destin every week during tourist season and not from the 13,765 permanent residents. He asked who set the TDC limit for funding.

Capt. Nix replied that Florida Statutes set the TDC limit for law enforcement funding.

The City Attorney stated that in accordance with Council's direction at the previous Council meeting, he and the Land Use Attorney had a telephone conversation with the County Attorneys about this issue. Part of the discussion centered around whether the City of Destin could potentially qualify for any additional funding under Florida Statutes Section 5C. He continued that according to the County Attorneys, it is not something municipalities have traditionally applied for, but there is possibly a scenario where the City of Destin could receive additional money based on that provision; and that they would send an email to the City explaining what the City of Destin has to do to apply for that money.

Councilmember Menchel noted that based on the information they received from the Sheriff's Office at their previous meeting, 80 percent of the calls for service from the Sheriff's Office in Destin are from tourists. Destin-contracted deputies have assisted other units in the unincorporated area of Destin 335 times; of which 80 percent of those times (268) were issues related to tourists. Conversely, deputies from outside the city limits of Destin responded to Destin 952 times to assist Destin-contracted deputies so far this year; and that 80 percent or 761 of those calls for service have been for tourists. He stated that based on this figure, they need more deputies in Destin. He also stated that Destin residents should not continue to pay for the entire amount of the contract when they are only receiving 20 percent of the service. He added they should do everything possible to obtain the untapped money from the TDC.

Councilmember Ramswell stated that she had worked in 2016 with then State Representative Matt Gaetz on legislation that would provide additional funding and the additional use of the TDC fund for public safety expenses. A specific clause was added for counties along the Gulf that receive significant impact because of tourism. The statute specifically states that the additional funding cannot "supplant" what they are already using for first responders and public safety. She also stated that before this bill was passed, Okaloosa County TDC was already spending \$1.1 million on lifeguards plus approximately \$.5 million for law enforcement services. Using the additional fund to hire more law enforcement officers in Destin is a must. She added that Walton County is using TDC money to fund code enforcement on the beach and for beach maintenance to include garbage collection, purchasing beach properties and building parking lots.

Next item discussed was Special Public Hearings for Fiscal Year 2020 Millage Rate and Budget.

B. Presentation – Trust for Public Land – Ms. Kate Brown

Ms. Kate Brown, Project Manager with the Trust for Public Land, provided an update on the Capt. Leonard Destin Park on Calhoun Avenue. According to Ms. Brown, the property located at 101 Calhoun Avenue was purchased in March 2016 using funds from the Deepwater Horizon oil spill settlements. The FDEP set aside \$45 million to create some new waterfront parks along the Panhandle counties affected by the oil spill. They purchased the property using BP funds and then proceeded to work on designing, developing and constructing the park. The construction is well underway and should be finished by the end of this calendar year; and with a substantial completion date of November 20, 2019. Final completion date will be 30 days after that date assuming there are no further delays from hurricanes. The Trust for Public Land currently owns the property; but they will be conveying it to the City of Destin. They already have a donation agreement in place and the City had already accepted the property. She added that the City will also receive 10 years of operations and maintenance money.

Also, according to Ms. Brown, they can also assist the City in acquiring some additional beach access points in the Crystal Beach area. She stated that in addition to building parks they also specialize in acting as interim buyer of land and then conveying it over to a local community, the State, or a federal agency that wants to own it for a park or conservation area. They offer a lot of real estate expertise. They could get a contract in place with a landowner, complete all the due diligence and turn the property over to the City and work with the City on the funding. They are not the funder, but they purchase and sell the property at the same price. They do not charge a fee for their services, but they ask the landowner to provide a confidential cash donation at closing when they purchase the land from them. The money is used to cover their cost of doing the transaction, paying for appraisals, surveys and title work and so forth.

Councilmember Overdier noted the City has different sources of funding for the purchase of the property but not sure exactly how much they would receive. If the Trust purchase the property in advance, the City may not get enough money to purchase the property from the Trust.

Ms. Brown stated they would not purchase the property until the City receives the funding for it.

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

Ms. Patti Brown, a Destin resident, noted that according to Capt. Nix's presentation, 70 percent of all the calls for service are from tourists. The Code Compliance Manager previously reported that 70 percent of their calls were tourist related. She continued that they raised the short-term rental fees, but they have an untapped source of funding which is their condominiums. They are not being required to register because they are supposedly being managed by condominium associations. But they are reportedly not doing a good job doing so and so condominiums are becoming more of an issue for the City. He urged the City to consider registering the short-term rental condominiums. It will be another source of income to cover the Sheriff's Office contract and for hiring more code enforcement officers.

Ms. Brown also noted that beach front owners have a lot of concern with their relationship with the Sheriff's Office. They pay a lot of property taxes, but they do not feel they are receiving proper service from the Sheriff's Office. For instance, they have not been getting proper response to complaints about people trespassing as there are still a lot of questions as to what part of the beach is public and which is private. She urged the City to address this issue immediately.

Next item discussed was agenda item 7H(1)

4. CITY MANAGER REPORTS

A. Electric Scooters (e-scooter) Regulations

According to the Community Development Director Louis Zunguze, electric scooters have become a national phenomenon ever since they first appeared in California in 2017. The Florida Governor signed legislation in June authorizing counties and municipalities to regulate these devices consistent with State law. There are significant issues to consider from a local government perspective in protecting the health, safety and welfare of its residents – including safety, liability location and quantity of the devices, and complaint resolution. The Sheriff's Office reported one fatality associated with these devices on Airport Road last year. He has been approached by 3 different vendors that are interested in participating; and so, staff is requesting direction from the Council as to which of the following options Council desires staff to take:

Option One: Ban E-scooters

Option Two: Create a Pilot Program regulating E-scooters

Councilmember Morgan recommends banning E-scooters in Destin since they do not have the infrastructure for these devices.

Councilmember Morgan moved to direct staff to develop an ordinance banning electric scooter companies from operating within the City of Destin; seconded by Councilmember Destin.

Councilmember Overdier stated that as a member of the Transportation Committee, a legislative action committee with the Florida League of Cities, and listening to other City Council members and commissioners, City Managers and Community Development Director, the disadvantages far outweigh the advantages when they talk about these devices. It would create a more hazardous situation for people using it.

Councilmember Marler wants to know their chances of winning a lawsuit if they decide to ban E-scooters in Destin.

The Land Use Attorney explained it is a new statute and so it has not gone to court for interpretation; but the statute does not prohibit local government and municipality from regulating E-scooters.

Councilmember Menchel suggests they be more specific when referring to E-scooters.

The Mayor noted they are not trying to ban privately-owned E-scooters. The idea is to ban commercial electric scooter companies from operating within the City.

The Land Use Attorney noted that the statute has the specific definition for E-scooters, and she suggests using that exact language in their ordinance.

Councilmember Ramswell stated there are so many electronic modes of transportation currently available – i.e., Segway, electronic bicycles, etc. – that people of all ages are using. She does not see how they could enforce such a regulation banning certain types of E-scooters and trying to differentiate a rental from a privately-owned equipment.

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

B. Fall Visioning Session: Date Selection

It was the consensus of the Council to allow staff to schedule the Fall Visioning Session during the first week of November.

C. 3rd Quarter Financial and Investment Report

The City’s Finance Director presented the report to the Council.

D. Information Briefing on Right-of-Way (ROW) Construction Permit Violations/Damage to City ROW and Request for Direction to Amend City Land Development Code ROW Protection to Prohibit Uncontrolled Boring/Drilling

Public Services Director Michael Burgess provided the following report:

Damage to Public Infrastructure

➤ **Right-of-Way Permits**

- ❖ Destin’s Public Works Department issues permits for work on the right-of-way
- ❖ Four types:
 - Residential – Single family homes./Duplexes (driveways, landscaping)
 - Commercial - Other site development (driveways, landscaping)
 - Unauthorized encroachments (after the fact permits and/or per a Notice of Violation/Notice of Hearing)
 - Utility – Water/Sewer, power, gas, telecommunications
- ❖ Requires 24-hour advanced notice before beginning work
- ❖ Requires SSOC, or “Call Before You Dig” ticket
- ❖ May require a MOT (Maintenance of Traffic) Plan
- ❖ Directional Bore/Drill
 - Directional boring, allows the operator to “steer” the drill head underground for precise control to include vertical

- Uses water to facilitate the drill head moving through the ground
- ❖ Pneumatic Missile
 - Operator aims the missile towards the target that could be 10-25 feet away
 - Operator has little control over the missile after it has left the pit
 - Pneumatic missiles are known to deflect and “rise” in sandy soils
 - Pneumatic missiles are a lower-cost alternative to directional boring
- ❖ Hutchinson Street – July 30, 2019
 - Contractor was “shut down” by City staff early in the day for unauthorized cutting curb/asphalt and excavating under the street
 - Contractor had no “Maintenance of Traffic” devices/flaggers on site
 - Contractor did not have a valid Dig Ticket
 - Contractor was using a pneumatic missile instead of a Directional Boring setup
 - Applicant(s) identified Directional Boring as the technique to be used on the permit application
 - Sewer came up through the pavement in the morning
 - Cavity or “sinkhole” developed in the afternoon
 - Reported to the City of Destin by the Okaloosa County Sheriff Department
 - DWU was immediately called
 - DWU on-site within minutes
 - Road was reopened within a few hours
- ❖ Matthew Boulevard – August 12, 2019
 - 4” irrigation line was destroyed
 - Not 36” below the surface
- ❖ Scenic 98 (multiple locations – multiple dates)
 - Public Works was called out to a report of water gushing onto roadway at Matthew Blvd and Scenic 98
 - Possible damaged base material
 - Irrigation zone was shut off to prevent further damage
 - Will require opening the road to investigate
- ❖ Other areas of Scenic Hwy 98
 - Shallow boring and equipment damaged several panels of 10’ wide sidewalk
 - Other broken irrigation lines
- ❖ Scenic 98 Damage
 - Broken sidewalk from heavy trucks and equipment
- ❖ Airport Road damage – August 22, 2019
 - “Boring” Technology, probably a pneumatic missile damaged pavement on Airport Road and disturbed the base material
 - As the missile approached the surface, it damaged the asphalt creating a raised longitudinal “bump”
- ❖ An ounce of prevention
 - Pre-construction inspections of site to document conditions
 - Inspections during construction
 - Post-construction inspection to ensure conditions have been restored or improved

- Document everything with date-time stamped digital photos and forms
- ❖ Damages assessed thus far...
 - Airport Road - \$20,500 (road only)
 - Scenic 98 at Matthew - \$29,000 (road only)
 - Matthew at roadside parking - \$16,300 (road only)
 - Hutchinson Street - \$38,000 (road only/does not include DWU charges)
 - Total: \$103,800
- ❖ Recommendations from Staff
 - Authorize the return of an ordinance that prohibits the use of "uncontrolled" boring techniques under City streets
 - Ordinance language would hold operator (subcontractor) and applicant as equals for any enforcement actions taken
 - Ordinance would provide specific code section(s) for Notices of Violation, Notices of Hearing, etc....

Councilmember Destin moved to direct staff to prepare an ordinance amending the Land Development Code Section 8.01.00 - ROW Protection, that prohibits the use of "uncontrolled" boring techniques under City streets, hold operator/subcontractor and applicant as equals for any enforcement actions taken, and provides specific code section(s) for such things as Notices of Violation and Notices of Hearing. Councilmember Menchel provided a second to the motion.

Councilmember Ramswell asked if the contractors are covered by insurance for any of these damages so that the City does not have to pay for them.

Mr. Burgess stated that the applicant, the telecommunication company, is insured; however, he is not sure if the sub-contractor hired by the applicant is covered.

According to Councilmember Ramswell, they may have encountered this type of issue before on Airport Road. It seemed they have discussed adding clause into any of the City's contracts that would include sub-contractors and making them liable for damages that were incurred due to negligence. She asked staff to investigate it.

Mr. Burgess noted that all permits previously issued to the contractor are currently suspended. They will perform no work until the damages have been remedied. He added that one of the conditions of the City resuming business with them is that they ensure they provide directional boring equipment instead of pneumatic missile as their installation technique which the City believes was the direct cause of the vast majority of the incidents.

Councilmember Menchel noted that the damage assessment did not include the damage on Hwy 98 at the Crab Trap. He also stated there are other damages of which the City may not have been aware, such as the light pole in Destiny East being taken out by the pneumatic missile. He suggests they publicize this matter so residents may report other damages to infrastructure that have not yet surfaced and may be attributable to the work that had been performed.

According to the Land Use Attorney, one of the other things that she had discussed with staff was creating a list of approved sub-contractors; and once they have acted negligently or in violation of a permit, they would be removed from that list pursuant to a policy they plan to take to Council for consideration. She also noted there is a statutory language that allows certain small cell facilities to locate them in rights-of-way; however, they are not permitted to damage public property. The City's permit requires that if they do damage public property that they have to restore it to at least the same condition it was in prior to the work. She added that the contractor in this case is responsible for restoring the City's property.

Councilmember Ramswell inquired as to the procedure currently in place so that they have someone that could inspect each job site to ensure that the work, at least superficially, appears to have been done properly.

Mr. Burgess noted that part of his presentation included some new procedures they are implementing to prevent a similar occurrence. In addition, they plan to put in some language requiring a one-year warranty for the pavement in the area where work was performed just in case something that took a while to develop can be attributable to the work that was performed.

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).

E. Announcement

The City Manager asked the Council to appoint a representative from the Council to accompany him and the City's attorneys to Tallahassee to discuss the Norriego Point to discuss the position being held by FDEP and the Bureau of Land as it relates to the placement of additional sand on Norriego Point.

Councilmember Morgan moved to appoint Councilmember Destin as the Council representative to accompany the City Manager and the City's Legal Counsel to Tallahassee to discuss the position being held by FDEP and the Bureau of Lands as it relates to the placement of additional sand on Norriego Point; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

5. PUBLIC HEARINGS

A. Second reading of Ordinance 19-20-LC – Sign Requirements for Short-Term Rentals

The City attorney read Ordinance 19-20-LC by title, and then presented it to the Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO SIGN REQUIREMENTS FOR SHORT-TERM RENTALS; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR THE AMENDMENT OF THE LAND DEVELOPMENT CODE ARTICLE 16 – SIGNS; AMENDING SECTION 16.03.00 – PROHIBITED SIGNS, PROVIDING FOR INCORPORATION INTO THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SERVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Mayor opened a public hearing to receive comments for or against the proposed ordinance.

Ms. Patti Brown, a Destin resident, noted the City has an existing ordinance that prohibits placing signs on fences. However, she feels that aesthetically, it is much better for these signs to be on the fences than on the houses.

The Land Use Attorney explained they are creating an exception to that prohibition so that these signs can stay on fences rather than moving them to the houses. It is a limited exception for the signs to stay on white picket fences on Crystal Beach.

Ms. Marcie Bell, a Destin resident, noted there is a short-term rental unit located across the street from her house that has two signs for two different short-term rental companies. They had a property management company that was recently replaced by another company. The previous company has not come back to retrieve their sign and some of the people driving by, including the Sheriff's deputies, do not know which sign is appropriate.

Code Compliance Manager Joey Forgione stated they would investigate this matter.

Mr. Sam Perman, a Destin resident, expressed her appreciation to the City for taking on the issue of damages caused by telecommunication companies. She stated that after she came back from vacation, she received a water bill for \$738.58. She requested a printout of the itemized bill from DWU, and from that document determined that AT&T used her water while she was away on vacation. She sent them an email and requested a reimbursement.

Having no further comments from the public, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Destin, to adopt Ordinance 19-20-LC on second reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

6. *CONSENT AGENDA

- A. Reimbursement to Councilmember Prebble Ramswell for expenses incurred while attending the Florida League of Cities Annual Conference in Orlando, Florida from August 14-18, 2019
- B. Reimbursement to Councilmember Skip Overdier for expenses incurred while attending the Florida League of Cities Annual Conference in Orlando, Florida from August 14-18, 2019
- C. Tourist Development Department Interlocal Agreement for Waterfront Access Maintenance and Capital Improvements
- D. Update: Municipal Software Project
- E. Approve Vendor to Replace Community Center Bleachers
- F. Resolution 19-15 – Establishing the Infrastructure Surtax Advisory Committee

Councilmember Braden requested that Consent Agenda Item 6D be pulled for further discussion.

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

Councilmember Braden requested an update on the City's relationship and processes with the County with regards to the municipal software project.

Deputy City Manager Webb Warren noted that the City has been working diligently with the County on this matter and they have made available their resources to work with the City. So far everything looks good in terms of compatibility and they expect to see some improved information sharing.

Motion by Councilmember Braden, seconded by Councilmember Marler, to approve Consent Agenda item 6D, 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 an update on the FEMA funding for the Calhoun Park repairs.

Parks and Recreation Director Lisa Firth stated that the person representing the City has not provided any specifications on the seawall repair.

Councilmember Braden asked that Council be provided a copy of the Code Compliance Department's end of year report.

B. Councilmember Ramswell

Councilmember Ramswell asked staff to provide the Council a copy of the established protocol used in the event of severe weather conditions or other unforeseen emergency situations to make Council aware of the process. She asked if these guidelines and procedures are being reviewed annually.

According to the City Manager, each City department has their own responsibilities in terms of emergency management and Public Services Department takes the lead. He met with the City's senior leadership team in May this year and asked them to review and revise their processes if necessary.

C. Councilmember Menchel

Councilmember Menchel asked staff to inform the County there are 5 lights that are out at the Crab Trap parking lot.

Councilmember Menchel requested that a member of City staff reach out to Ms. Perman who spoke earlier about receiving a huge water bill while out on vacation, and possibly assisting her in her situation by providing her a good point of contact.

D. Councilmember Overdier

E. Councilmember Marler

F. Councilmember Destin

1) Appointment to the Local Planning Agency – Mr. Kevin Schmidt

Motion by Councilmember Destin, seconded by Councilmember Menchel, to appoint Mr. Kevin Schmidt for membership to the Local Planning Agency passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted yes).

The next item discussed was agenda item 4A

2) Governor Executive Order Discussion/Resolution

It was the consensus of the Council to instruct staff to bring back proposed language in Resolution form, to be adopted at a future meeting, that would express the Council's desire to the Emergency Management Department within the Governor's cabinet to tailor emergency orders that are issued to affected counties only.

G. Councilmember Morgan

H. Mayor Gary Jarvis

I. Land Use Attorney

J. City Attorney

The City Attorney requested and received a consensus of the Council to authorize him and the City's Special Counsel, Ken Oertel, to move forward with defending the US Army Corps of Engineers' permit in the ongoing East Pass litigation.

8. PUBLIC COMMENTS

Mr. Ken Wampler, a Destin resident and member of the Destin Chamber of Commerce Board provided the following report:

➤ Reported Code Violations - October 2018 to August 2019:

❖ Parking

- FY 2018 – 54
- FY 2019 – 421

❖ Trash

- FY 2018 – 33
- FY 2019 – 247

❖ Unregistered Short-Term Rentals

- FY 2018 – 52
- FY 2019 – 87

- ❖ Unregistered Long-Term Rentals
 - FY 2018 – No Report
 - FY 2019 – 34
- ❖ Noise
 - FY 2018 – 1
 - FY 2019 – 15
- ❖ Business operating without Business Tax Receipt
 - FY 2018 – No Report
 - FY 2019 – 45
- ❖ Signs
 - FY 2018 – No Report
 - FY 2019 – 86
- ❖ Miscellaneous Violations
 - FY 2018 – 251
 - FY 2019 – 291

Mr. Wampler noted that based on the above statistics, what the City had done from the ordinance and code enforcement standpoint have made a big impact.

Ms. Marcie Bell, a Destin resident, noted that the swale/retention area in front of the aquatic center belongs to the center. She suggests doing a public/private partnership with the City to help the aquatic center make it another parking area and put some permeable materials there rather than just parking on the sand.

Ms. Patti Brown, a Destin resident, reported finding rats in her house; and that according to the exterminator, this is a huge problem in Crystal Beach. Due to insufficient number of trash cans, trash is being packed up in bags and placed besides the trash cans. She stated that it is a significant problem not only at Crystal Beach but also on Holiday Isle; and that it is something the Short-Term Rental Task Force needs to address

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


 Gary Jarvis, Mayor

ATTEST:


 Rey Bailey, City Clerk