

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
FEBRUARY 3, 2020
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 Prebble Ramswell

Councilmember Parker Destin
Councilmember Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Info Manager Catherine Card
Code Compliance Manager Joey Forgione
Parks/Recreation Director Lisa Firth
Community Dev Director Louis Zunguze
Public Services Director Michael Burgess

City Clerk Rey Bailey
Deputy City Manager Webb Warren
HR Manager Karen Jankowski
Finance Director Bragg Farmer
City Attorney Kyle Bauman
City Land Use Attorney Kimberly Kopp

CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Gary Jarvis called the meeting to order at 6:00 PM. Pastor Steve Farris of First Baptist Church gave the invocation; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell requested the appointment of Ms. Barbara Telford to the Parks & Recreation Committee be added to the agenda as agenda item 7B.

The City Attorney requested that approval of task order for dredging be added to the agenda as agenda item 7G(1).

The Mayor would like to place under agenda 7H scheduling a workshop to discuss potential construction of Destin Community Events Center.

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

1. APPROVAL OF MINUTES

A. Approval of minutes of November 18, 2019 Regular City Council Meeting

Motion by Councilmember Overdier, seconded by Councilmember Marler, to approve minutes of November 18, 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

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

4. CITY MANAGER REPORTS

A. Labor Attorney Retainer

The City Manager explained that the City's Labor Attorney Mr. Rob Larkin, with the firm Allen, Norton & Blue P.A., has represented the City in labor and employment law for over 20 years; and that they would like to continue the retainer relationship with updated rates which have not increased for a number of years. The new retainer fee would be \$2,500. This retainer would include services such as unlimited telephone conferences with the Council and/or other members of management or Human Resources regarding matters within their area of practice where no specific case or research is involved.

Councilmember Menchel moved to authorize the City Manager to execute the agreement with Mr. Rob Larkin of Allen, Norton & Blue, P.A. for labor and employment law representation; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Coleman Lake Pool Elevation Report

According to the City Manager, Council has previously directed staff to bring back recommendations on raising Coleman Lake pool elevation after the lakeside residents expressed their concerns that the lake level had dropped. He stated that Public Services Director Michael Burgess contacted the engineer of record, Scott Jenkins, about his knowledge of the original project and get his thoughts on Council's request to raise the lake level to its perceived former elevation. Mr. Jenkins has indicated he would not recommend raising the level because of the possibility it would not leave enough of a gap in a severe storm event to prevent the water from overflowing on Main Street.

Councilmember Morgan noted he is aware of only two storm events that caused a lot of flooding in most parts of the City and not just on Main Street. One was in April 2014 when they received an absurd amount of rain; and prior to that was during either Hurricane Opal or Hurricane Dennis. He does not believe there is any more risk of regular flooding at this point. Raising the lake level would have good environmental benefits as the lake will be using a lot less pesticides.

Also, the majority of the lakeside property owners requested they raise the pool elevation back to its historical level.

Councilmember Morgan moved to direct staff to obtain two quotes: one for raising the dam level to the height as requested by the Lake Coleman homeowners, and another for raising the dam to the same level but with spillway that can be opened prior to a big storm event; and then bring the quotes back for Council's consideration passed 7-0. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

C. Airport Road Update, Speed Detection Signage

The City Manager noted that Public Works/Safety Committee previously passed a motion to recommend to the City Council that speed detection signs be placed at both approaches to the curve on Airport road, in lieu of or in addition to guardrails. Council subsequently directed staff to investigate and present costs of these devices. Prices of various speed detection sign systems are provided. Staff is currently recommending installation of two speed detection sign system on Airport Road in an amount not to exceed \$17,500; but the Council can choose to increase or decrease that amount. Staff is requesting Council's direction.

Councilmember Menchel noted that as they discussed this issue at their previous meeting, a lot of people agree that these signs are effective until people find out how much they can get away with and how fast they can drive without being cited and start ignoring the sign. He continued that although installing speed detection signage is a good idea, it may just be a waste of money at this time considering all their other projects on Airport Road.

Councilmember Ramswell asked when they could expect FDOT to begin work on that portion of Airport Road if the City chooses not to install the speed detection signage.

The City Manager stated they are not aware of when the actual work could take place on Airport Road; although the engineering firm doing work for FDOT is in the process of concluding their survey work in that area and FDOT had previously discussed starting work around June or July timeframe. Nevertheless, staff has recently installed new chevrons on the corner of the road and new reflective devices on the outer lines and inter lines of the road. They have also recently painted the "Slow Down" signs on the road; adding these are all recommendations from the safety audit they received within the past two years.

Councilmember Destin asked if the Sheriff's Department could temporarily install the speed trailer on Airport Road even for just a few months until the high friction road resurfacing project is completed.

Captain Charlie Nix from the Sheriff's Department noted they borrowed the speed trailer they previously put out on that road from another district. He will check to see if they could borrow it again.

Councilmember Menchel stated that increased enforcement of the speed limit by the Sheriff's Office would work better than any sign on Airport Road. He also noted that City staff is

going to meet with the Sheriff's Office to start a public relations campaign slogan "Don't Fly on Airport Road."

Captain Nix agreed that speed detection signage combined with increased enforcement effort would be much more effective.

Councilmember Destin moved to instruct staff to work with Captain Nix of the Sheriff's Department on installing speed trailers on Airport Road for a few weeks; after which the Council will reassess the situation to determine if further action is necessary; seconded by Councilmember Morgan. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

D. Gulf Shore Drive Restriping, Authorization for Payment

The City Manager explained that Gulf Shore Drive was re-striped in October 2019. To ensure public safety during this multi-day project, City staff requested that temporary traffic control paint be applied to the milled surface and then to the final asphalt in advance of the permanent thermoplastic's application. The cost of the temporary safety paint was not included as part of the original purchase order. The temporary striping installed for public safety reasons could be viewed as a separate expense or part of an aggregate cost of the overall project. To maintain full transparency, staff is presenting this as an aggregate cost for Council's approval.

Councilmember Overdier moved to approve payment of \$19,552.35 to Emerald Coast Striping for the temporary and permanent striping associated with the Gulf Shore Drive improvement project completed in October 2019; seconded by Councilmember Marler.

Councilmember Braden stated that the temporary striping should have been part of the original scope of services rather than a separate charge since the contractor knows how long it takes to complete the project and that a temporary striping was necessary for safety reason.

Councilmember Menchel asked how long the City typically pays an invoice from the date of receipt.

According to the City Manager, the City typically pays bills within 30 days of receipt.

Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Menchel, and Ramswell voted "yes"; Councilmember Braden voted "no").

E. Future Land Use Map and Zoning Map Alignment Update

Community Development Director Louis Zunguze provided an update of the Future Land Use Map and Zoning Map alignment. He stated that in February 2019, at Council direction, City staff began the effort of realigning the City's Future Land Use Map and the Zoning Map. This effort included zoning amendments to 468 parcels of land in the City. As a result of this effort, the City's Zoning Map is now consistent with the Future Land Use Map. There are 5 remaining Future Land Use Map amendments that are required for the two maps to be completely aligned. These

amendments will be brought to the Local Planning Agency in February 2020 and to the City Council in March 2020 for adoption and codification of Zoning Map and Future Land Use Map. He thanked his staff, Land Use Attorney, GIS Manager, senior leaders and City Manager for the role they played in completing this task, as well as the City Council for their support.

The City Council recognized Mr. Zunguze for the successful conclusion of the Future Land Use Map and Zoning Map Alignment, and for completing this monumental task in such a short period of time:

F. Development Review System Software Update

The Deputy City Manager Webb Warren informed the Council the City of Destin staff continues to work hard in preparation for the Energov Project. City staff had very productive sessions with Energov staff in the preceding months and will continue to provide updates to the Council as the project progresses. This will be a challenging project for staff. As with all major technology projects, there will be some unexpected challenges they will have to work through. Staff is prepared to move forward and have a target date for substantial completion of this phase of the community development portion of Energov in January 2021.

Councilmember Braden requested that staff establish some interactions with the public as they get closer to the implementation date for the new system to familiarize potential customers with the new process so that it does not come as a surprise to anyone.

According to Mr. Warren, once they have their processes designed within the system, they planned to bring in some of their customers – contractors, residents and businesses – and actually get them to assist the City in testing the product to make sure not only does it aligns to their internal processes, but also the external processes aligning with their expectations of the product.

Councilmember Ramswell inquired as to the City's notification process when new and amending ordinances are adopted, how it goes in the system and how the public is informed of the adopted ordinances.

The City Clerk explained that newly adopted ordinances are sent to Municode for codification; and that complete copies of these ordinances are posted on the website while in the process of being codified.

According to Councilmember Ramswell, they have previously discussed amending the allowable hours and days of construction in the City. She asked where they are in the process.

The City Manager stated they will make sure this item is included in the current task list and provide a status update at the next meeting.

G. Announcements

According to the City Manager, the City received a letter from Florida Joint Legislative Auditing Committee citing that the City has not adopted a formal fund balance policy as recommended by the auditors in the past 3 audit reports. Staff recommends establishing a

minimum reserves policy, at Council's discretion. Traditionally, in Florida, the minimum amount equates to 3 to 6 months of operating capital in case of catastrophic emergency. He asked for Council's direction on how to proceed.

Councilmember Ramswell pointed out the letter from the State did not indicate adopting a formal fund balance policy is a requirement. It is simply a recommendation, and they do not necessarily have to take any corrective action. She also noted that the Council explained their rationale for not adopting a policy at their September 16, 2019 meeting.

According to the City Manager, it is not a statutory requirement to establish a formal fund balance policy; it is simply considered a best practice in Florida.

Councilmember Ramswell moved to direct the City Manager to write a letter to the State explaining the City Council's rationale for not adopting a fund balance policy based on their September 16, 2019 meeting; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The City Manager announced that February 17th is President's Day. The next Council meeting and the Mayor's State of the City is scheduled for Tuesday, February 18th at 6:00 p.m. He also announced that a Projects, Grants and Contracts Manager has been hired and scheduled to start work on March 2nd.

5. PUBLIC HEARINGS

A. First reading of Ordinance 20-02-LC, amending Articles 6, 7, 8, 11 and 12 of the Land Development Code to delete all references to the tiered land use system pursuant to the City's Comprehensive Plan.

The City Attorney read proposed Ordinance 20-02-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLES 6, 7, 8, 11 AND 12 OF THE LAND DEVELOPMENT CODE TO DELETE ALL REFERENCES TO THE TIERED LAND USE SYSTEM PURSUANT TO THE CITY'S COMPREHENSIVE PLAN; 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.

Councilmember Menchel moved for approval of proposed Ordinance 20-02-LC on first reading and direct staff to advertise it for second reading; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. First reading of Ordinance 20-03-LC, amending Article 2 of the Land Development Code, amending procedures for lot splits and lot line adjustments.

The City Attorney read proposed Ordinance 20-03-LC by title, and then presented it to the Council on first reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA AMENDING ARTICLE 2 OF THE LAND DEVELOPMENT CODE; AMENDING PROCEDURES FOR LOT SPLITS AND LOT LINE ADJUSTMENTS; 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.

Councilmember Ramswell moved for approval of proposed Ordinance 20-03-LC on first reading and direct staff to advertise it for second reading; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. *CONSENT AGENDA (No public comments)

- A. Draft Minutes of Standing Committee/Board Meetings
- B. Request for use of city streets Payne Chiropractic Annual Run for Health 5k run

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Consent Agenda items 6A and 6B, as printed above, passed 7-0. Motion 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 (No public comments)

A. Councilmember Braden

Councilmember Braden requested an update on Capt. Royal Melvin Heritage Park construction.

The City Manager noted that the RFP for the park has been advertised; and that the bid opening is scheduled for the end of February.

Councilmember Braden asked if funding for Clement Taylor Park renovation project is coming from the same pool of money as of the Capt. Royal Melvin Heritage Park.

According to the City Manager, funding for this project is coming from the same pool of money, but it is handled as a separate grant. It is up for approval and they expect to send out the

RFP for construction shortly. He continued that the repair of the seawall at Clement Taylor Park is a separate grant through FEMA because it was damaged by Hurricane Michael. They are in the process of entering an agreement with a contractor to begin repair work on that wall.

Councilmember Ramswell asked whether the City ever received the final plan for Clement Taylor Park. There have been some final discussions about the Destin Fire District might be interested in utilizing part of that park.

The City Manager noted this will be handled separately from the grant process. That section could potentially be used for another purpose in the future if Council desires to do so.

B. Councilmember Ramswell

Councilmember Ramswell moved to appoint Ms. Barbara Telford to the Parks & Recreation Committee; seconded by Councilmember Menchel. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Ramswell noted that a Senate and House Bill covers the idea of cities or states being responsible for signaling any mid-block crossing. In the bill, they are using Destin as an example of a City having 5 unsignalized mid-block crosswalks located between Airport Road and Stahlman Avenue, and which are having a negative impact on government. She stated that signalization of the 5 mid-block crosswalks in Destin has been completed and requested that either the City Manager or the Mayor write a letter to the State informing them they are using erroneous data in trying to pass this bill.

Councilmember Ramswell stated that Street lighting is desperately needed at the intersection of Henderson Beach Drive and Commons Drive. The City received a letter from the County stating that as a standard practice, Okaloosa County does not provide street lighting along County-owned/maintained road. Councilmember Ramswell requests either the Land Use Attorney or City Attorney look into the validity of this statement from the County.

Councilmember Menchel noted that when the City obtained the refund from Gulf Power, part of the refund was for the County lights on Commons Drive. This contradicts the recent statement from the County because if the County is paying for the lights on the west side of Commons Drive, they should also be paying for the lights on the east side of Commons Drive. Councilmember Menchel suggests the City sends a follow-up letter to the County conveying this fact.

C. Councilmember Menchel

1) Additional funding from Okaloosa County TDC for the Sheriff's contract Discussion

Councilmember Menchel would like the application for additional funding to go through Council for review before sending it to the County.

After a brief discussion, it was the consensus of the Council to have each member provides the City Manager a list of items they perceive as necessary things to add to the funding application.

The City Manager stated that he would particularly be interested in any new service they are not currently providing to the public; adding it was his understanding these are the items that would qualify for the additional 10 percent funding from the TDC.

According to Councilmember Ramswell, she and the City Manager developed a similar list of items a few years back and the list was subsequently sent it to the TDC. The TDC provided \$400,000 in funding out of the total cost of \$2 million for all the items listed. She asked the City Manager to try to locate that list.

Councilmember Menchel asked which Sheriff's deputies are funded directly by the TDC.

According to Captain Nix, the TDC funds 2 beach units and 2 marine units, which work Okaloosa Island and Destin. He added that the TDC also helps fund the spring break details they use on Okaloosa Island and Crystal Beach.

Councilmember Menchel asked Captain Nix to provide an overview of any enforcement actions taken on Airport Road within the last few weeks.

According to Captain Nix, he has instructed his traffic unit to step up enforcement on Airport Road and to try to educate the public a bit more in light of all the traffic crashes that have occurred in the curve. Since January 1st they have made approximately 65 to 70 traffic stops on Airport Road, issuing more warnings than actual citations.

Councilmember Ramswell asked how officers decide to issue a warning rather than a citation.

Captain Nix explained it is in the discretion of the officer whether to issue warning or a citation. It also depends on the situation, the speed of the vehicle, and the driver's attitude. Every stop they make is logged into the system and coded whether a warning or citation was issued. A driver that received a warning the first time would more likely receive a citation the second time around.

Next, Councilmember Menchel stated they need some added legislation to allow them to tow vehicles when necessary.

According to the City Manager, there are State statutes that specify all the information to be included in the towing sign as well as the required distance between signs; and that they followed State statutes in placing towing signage in the Joe's Bayou Boat Ramp parking lot.

According to Councilmember Ramswell, she recollects having a detailed discussion on the towing issue a few years back, including signage requirements and the option of using a roving tow truck. She has been under the impression all this time that they could tow vehicles,

but now she is hearing the exact opposite and wants to know when the misunderstanding took place.

Councilmember Menchel stated that Public Works/Safety Committee has addressed this issue many times in the past. Many of the staff members involved in the discussion are no longer employed by the City. He recommends moving forward with the current staff and having the ability to tow as a tool they could use if necessary. He also asked the City Manager to bring back some suggestions for placement of towing signage within the City.

Councilmember Destin recommends having members of the council identify to the City Manager the problem areas within the City where they feel they should place signage with the required language that would give them the authority to tow.

Councilmember Morgan stated that word travels fast and so it should not take much towing to prevent people from parking where prohibited. Short-term rental companies are the habitual offenders, and so once a few cars are towed, they will get word out to their guests where not to park or they will get towed.

Councilmember Menchel asked the City Manager to send Council a copy of Florida Statute section that contains the verbiage on towing signage.

D. Councilmember Overdier

E. Councilmember Marler

Councilmember Marler noted he had requested the City Manager and Deputy City Manager to look into putting the 4x4 posts back up along the right-of-way near the intersection of Kelly Street and Beach Drive to keep people from parking there as it puts the Destin Elementary School children in danger even with the crosswalk.

F. Councilmember Destin

According to Councilmember Destin, the only way a municipal or government construction project can be completed on time or ahead of schedule is when there are incentive to do so.

There was a consensus of the Council to have the City Attorney bring back some ideas on early completion bonus provisions that could be added to the final contract for the Capt. Royal Melvin Heritage Park construction.

G. Councilmember Morgan

H. Mayor Gary Jarvis

The Mayor asked for Council's approval to schedule a workshop to discuss the proposed Destin Community Events Center either on Monday, February 24th or Thursday, March 5th at 6 PM.

It was the consensus of the Council to schedule the workshop on February 24th at 6 PM.

I. Land Use Attorney

J. City Attorney

1) Dredging Update

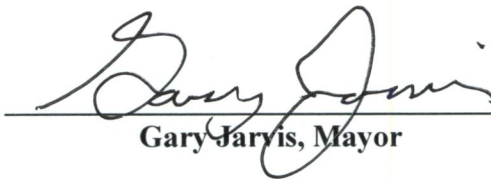
The City Attorney requested a motion from the City Council to execute a Scope of Services Agreement with Taylor Engineering for East Pass Emergency Navigation and Channel Dredging and Holiday Isle Beach Restoration.

Councilmember Menchel moved to execute a Scope of Services Agreement with Taylor Engineering for East Pass Emergency Navigation and Channel Dredging and Holiday Isle Beach Restoration; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

8. PUBLIC COMMENTS

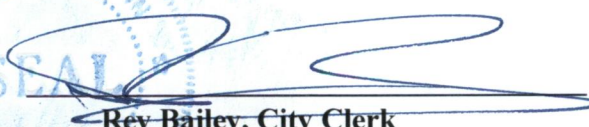
Mr. Larry Czur, a Destin resident, speaking on behalf of the Board of Directors of Indian Bayou Owners Association, informed the Council that speeding on Indian Bayou has been a problem for quite some time. The speed limit on Indian Bayou is 25 mph; but it is not uncommon to see people going 35 to 40 mph on that road. The subject came up again during their recent Board meeting. They discussed installation of a fixed sign with radar indicating speed of the vehicle in relation to the posted speed limit. He was asked by the Board to appear before this Council to see if they could place one of those signs on Country Club Drive East. In return, Indian Bayou residents would gather the data for the City and give the City a better indication of the effectiveness of this sign.

Having no further business at this time, the meeting was adjourned at 7:35 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk