

**REGULAR MEETING
DESTIN CITY COUNCIL
JUNE 1, 2020
ANNEX COUNCIL CHAMBERS
6:00 PM**

*****Core Value of the Month - Integrity*****

CALL TO ORDER

INVOCATION (Pastor Steve Farris - First Baptist Church)

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL *(Matters not specifically listed on the agenda may be added and acted upon with a super-majority vote of the Council members present and eligible to vote on the matter)*

1. APPROVAL OF MINUTES

A. Approval of minutes of April 29, 2020 Special City Council Meeting

2. PROCLAMATIONS / RECOGNITIONS / **SPECIAL PRESENTATIONS / ANNOUNCEMENTS (No public comments)

3. PUBLIC COMMENTS ON AGENDA ITEMS THAT ARE NOT PUBLIC HEARINGS AND ANY OTHER MATTERS NOT ON THE AGENDA (All agenda items other than those under Number 5)

(Note: Individual speakers will be limited to 3 minutes. At the discretion of the Mayor, this 3 minute allowance may be adjusted depending on the level of business coming before the City Council)

4. CITY MANAGER REPORTS

- A. Capt. Royal Melvin Heritage Park and Plaza - Update
- B. Roadway Redesign and Use or Disposal/Vacation of City-Owned Property relating to the Cross Town Connector.
- C. Airport Road Improvements, authorization to allow the City Manager to sign a Maintenance Agreement with FDOT
- D. Update on Beach Paid Parking (Parking South of Highway 98) and Resident Passes
- E. Recreation Re-Opening of Sports Tournaments
- F. Fisher Report on City-Wide Building Heights
- G. Joe's Bayou Area Rights-of-Ways with Waterfront Access Inventory
- H. Announcements

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 20-01-PC - Amending Chapter 6 of the City of Destin's Comprehensive Plan, "Coastal Management Element", providing updates to the Coastal Management Element pursuant to State law.

- B. First reading of Ordinance 20-20-CN - Provides for City Council approval of a contract for lease of real property owned by the City to the Destin Fire Control District

6. *CONSENT AGENDA (No public comments)

- A. Cleaning of Stormwater Treatment Unit, Gulf Shore Drive, authorization to allow the City Manager to execute a Task Order
- B. Extensions 7 and 8 to the Amended Declaration of State of Emergency
- C. Request approval of a new single-family residential dock at 437 Calhoun Avenue

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (No public comments)

- A. Councilmember Braden
- B. Councilmember Ramswell
 - 1) City Right-of-Way Research
 - 2) Beach Advisory Board Meeting Report
- C. Councilmember Menchel
- D. Councilmember Overdier
 - 1) CARES Act Funding
- E. Councilmember Marler
- F. Councilmember Destin
 - 1) Gulf Power update
- G. Councilmember Morgan
 - 1) Repeal of the rooster ban
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT

All items listed under Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and may be considered separately.

****To be placed on the Agenda under scheduled presentations, citizens must contact the City Manager or City Clerk's office one (1) week prior to the scheduled City Council Meeting by completing a Speakers Request Form and providing any accompanying documentation as requested in the form's instructions.**

***** Any invocation that is offered before the official start of the City Council meeting shall be the voluntary offering of a private person, to and for the benefit of the City Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council, or the City staff, and**

the City is not allowed by law to endorse the religious beliefs or views of this, or any other speaker. Persons in attendance at the City Council meeting are invited to stand during the opening invocation and Pledge of Allegiance. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered. A person may exit the City Council Chambers and return upon completion of the opening invocation if a person does not wish to participate in or witness the opening invocation.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she may need a record of the proceedings, and for such purpose, he/she may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. FS 286.0105.

Persons with disabilities who require assistance to participate in City meetings are requested to notify the City Clerk's Office at (850) 837-4242 in advance. Hearing Impaired: TTY: 711. Assistance also available through Human Resources, Title VI Coordinator, at (850) 837-4242.

Personas con discapacidades que necesitan asistencia o personas que necesitan ayuda con un idioma para participar en las reuniones de la ciudad, deberán notificar la oficina de la Secretaria Municipal al (850) 837-4242 antes de la reunión. Discapacidad auditiva: TTY: 711 (Solicitar Espanol CA). La ayuda tambien está disponible por Recursos Humanos, Coordinador del Título VI, al (850) 837-4242.

Note: Persons who wish to provide public comments on agenda items are requested to fill out a blue speaker card and submit it to the City Clerk at the start of the meeting.

Persons who wish to provide public comments on any other matters not on the agenda are requested to fill out a yellow speaker card and submit it to the City Clerk at the start of the meeting.

All regularly scheduled city council meetings will be streamed live via the city's YouTube channel, www.youtube.com/CityofDestin. Past council meetings can also be viewed here.

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**MINUTES
SPECIAL MEETING
DESTIN CITY COUNCIL
APRIL 29, 2020
DESTIN CITY HALL
ANNEX COUNCIL CHAMBERS
6:00 PM**

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

Destin City Council

Mayor Gary Jarvis	Councilmember Prebble Ramswell
Councilmember Rodney Braden	Councilmember Parker Destin
Councilmember Cyron Marler	Councilmember Skip Overdier (Virtual)
Councilmember Steven Menchel (Virtual)	Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson	Deputy City Manager Webb Warren
Public Information Manager Catherine Card	City Clerk Rey Bailey
Parks/Recreation Director Lisa Firth	Code Compliance Manager Joey Forgione
Community Dev. Director Louis Zunguze	IT Manager Matthew Pace
Land Use Attorney Kimberly Kopp	City Attorney Kyle Bauman

CALL TO ORDER

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

NEW BUSINESS

1. PUBLIC COMMENTS

Mr. Bill Reddington, a Destin resident, urged the Council to vote to fully open the beaches. He stated that Walton and Bay started out with limited opening of their beaches, and then later on decided to open their beaches up from dawn to dusk. He asked that this Council make a similar decision for Destin beaches because doing so would prevent a mass of people flocking to the beach at the same time. It would also be a lot easier for law enforcement and code compliance officers from the enforcement standpoint.

Mr. Kim Brazile, a Destin resident, stated that as a private beach owner they should be able to utilize their private beach. He also stated that opening all the beaches from dawn to dusk would be easier to enforce and avoid having a crowd of people walking shoulder to shoulder on the beach.

Ms. Marcie Bell, a Destin resident, stated that public beach access points are so narrow they would not allow safe social distancing among beachgoers. She also expressed concern with sanitizing of short-term rental units when short-term rental is reopened. She also questioned how people coming from out of town and would affect the residents especially elder residents, which are the most vulnerable to the virus, when it comes to shopping for food and other necessities. She

urged the City to reach out to local grocery stores and pharmacies and asked them to set aside special hours for residents to shop at their stores.

Mr. Tim Broom, a Destin resident, stated that he would prefer opening the beaches 24 hours a day, 7 days a week; however, it is of utmost important for the City to work in partnership with Okaloosa County and the adjacent counties. They should all operate under the same rules otherwise it would be confusing to all especially to visitors to this area. He also stated that he operates a business in the City, and he is finding it very difficult to explain to prospective customers when and why they should or should not come to Destin. He added it is critical to be able to provide accurate information to all.

Ms. Lisa Renkus (online call) from St. Louis, Missouri, stated they have a vacation planned for May 16th in Destin and it is important they get accurate information regarding the condition in this area. They would not want to drive 11 hours to Destin just to be isolated inside the condominium facility they are renting and unable to go to the beach and visit other locations. At this time, they are not sure whether they should cancel or postpone their trip to September. She urged the Council to consider re-opening all the beaches in Destin.

At this time, the City Clerk read the following email correspondence received during the meeting:

Ms. Sam Perman wrote, *“In considering the reopening of beaches and businesses, what is the City’s plan for testing for the Corona virus?”*

According to the City Manager, the Okaloosa County Health Department will take the lead. There is a facility at the Okaloosa County and Walton County border which is open two days a week. Also, the Florida Governor has stated just before this meeting that if the demand increases, he would see fit to increase their ability to provide additional testing. There will be more information coming from the two presenters tonight.

Mr. Sean Christian, General Manager of Hobby Lobby Store, wrote, *“If the Governor does not extend or alter his ‘Safer at Home’ executive order, will businesses such as Hobby Lobby be able to reopen on Friday, May 1st? Does the City have any plans to enact their own restrictions or limitations on businesses reopening?”*

The City Manager stated he does not believe the Governor’s executive order actually states that stores cannot reopen; perhaps decisions to close the stores were made at the corporate level.

Ms. Tammy Preus (online call), from Tulsa, Oklahoma, stated they plan to come to Destin and stay at the Emerald Grande around May 15th. However, they would cancel their plan if the beaches are not going to reopen. She urged the Council to consider reopening the beaches.

Ms. Ann Marie Diaz (online call), a Destin resident, asked how the City plans to regulate all the people who will be coming to Destin to go to the beaches, parks and other places to make sure proper social distancing guidelines are followed.

According to Capt. Nix of the Sheriff's Office, social distancing guidelines are recommendations only and are not enforceable. They could only hope people would continue to abide by these guidelines as they have done so far.

Mr. Steven Kepner (online call), a Destin resident, stated that since Okaloosa County public beaches have limited hours, they could run into an issue of people flooding Destin beaches, if they decide to reopen them, to a point where things could become unmanageable.

Mr. Tim Broom addressed the question about the reopening of the stores, stating that according to the Governor, retail businesses could open at 25 percent capacity. However, the Governor did not address the short-term rental issues.

According to the Land Use Attorney, if the Governor does not extend his executive order banning short-term rental by April 30th, it would expire and short-term rentals would be back in operation on Friday, May 1st.

Mr. Bill Reddington noted that Okaloosa County beaches will reopen on May 1st at limited hours, and then from dawn to dusk beginning May 9th. However, they plan to meet before May 9th if things get out of control and they need to take a different course of action. He also mentioned that people on Panama City beach have been very polite and respectful of one another and are following the social distancing guidelines.

The City Attorney noted that the County voted to develop a resolution to vote on next Tuesday, May 5th to reopen their beaches full-time beginning May 9th.

Councilmember Braden stated that if tonight's vote was to reopen the beaches, this Council has the purview of scheduling another special meeting to close their beaches indefinitely if things get out of hand.

2. NEW BUSINESS

A. Okaloosa County Health Department Presentation – Dr. Karen Chapman

Dr. Karen Chapman of Okaloosa County Health Department provided the following update relative to COVID-19:

- The Governor spoke on moving to “Opening America Again” phase one plan on May 4th
- Since she spoke before the Destin City Council on March 20th
 - ❖ There have been 154 cases in Okaloosa County. During this period, the health department has conducted extensive contact tracing, which is something they do in a routine basis
 - ❖ Investigating cases and isolating contacts helped keep the numbers down. Hospitals have not been severely impacted
- Many years ago, the health department installed an electronic bio-surveillance system in all their hospitals. There are no personal information on an individual but chief complaints for all visit are entered into the system

- They monitor influenza-like illness, and they are now monitoring COVID-like illness since January 2020
- Through April 25th, 2,125 tests had been performed in Okaloosa County
 - ❖ The vast majority occurred in April
- The health department alone has now been conducting approximately 33 tests per day, including symptomatic individuals in the community and symptomatic healthcare workers and asymptomatic residences and staff in long-term care facilities
- White-Wilson Medical Center has been willing to provide primary care services and medical evaluation to people with respiratory symptoms. There have been a very short supply of physicians willing to see patients who need medical evaluation
- Eglin AFB has also been a major service provider and are conducting approximately 11 tests per day
- Okaloosa County still has the need for increased testing
- The State of Florida is doing approximately 10,000 tests per day
- There are some concerns for the more vulnerable population as visitors start to come in as they move forward reopening in phased approach including the reopening of the beaches and potential opening of the short-term rentals
 - ❖ Local facilities particularly grocery stores will be more crowded
 - ❖ Grocery stores were wiped out back in March and are just now recovering
 - ❖ The community must take steps to protect their more vulnerable residents
- Twenty-five percent of people who were hospitalized for the disease have no underlying conditions
- Contrary to what some people believe, there is no protection for closed gathering just because they are outside
 - ❖ UV light will not kill the virus. The only UV light that comes from the sun and penetrates the atmosphere are UVA and UVB, which burns the skin
 - ❖ The UV light that kills viruses is called UVC and it does not penetrate the atmosphere. It is manufactured and it is used to kill viruses and bacteria in hospitals and laboratories. It is a very dangerous form of UV light and human beings cannot be exposed to it

Councilmember Ramswell inquired as to the result of the testing of asymptomatic workers at healthcare facilities and the percentages of those that have tested positive.

According to Dr. Chapman, she does not have the exact data but the numbers are small, however, the testing numbers are also small; which is why she feels very strongly that they need to expand testing particularly asymptomatic healthcare workers and first responders.

Councilmember Ramswell asked how long the virus stays inside the body and would be caught during testing.

Dr. Chapman stated they are learning more about this case, but they are finding that it varies based on individuals. Some people would not have any more symptoms and would test negative within a week. There are also people that are still shredding virus after 21 days and they have not been able to release them from isolation.

Councilmember Ramswell inquired as to the likelihood of people that were asymptomatic who are being tested and ultimately testing positive but who only had a sinus infection or a minor case of a cold days earlier.

Dr. Chapman replied they are finding overtime that there is a broader range of symptoms for this virus than just cough, fever, and shortness of breath. They have broadened testing to typical upper respiratory symptoms, sore throat, nausea and vomiting, and a loss of taste or smell. She added there are people who tested positive but with absolutely no symptoms and have no idea they are shredding this virus.

Councilmember Ramswell stated that if they continue ramping up the testing as Dr. Chapman had mentioned, it could result in more positive tests which could then artificially elevate the rates of incidence and cause a panic even though the numbers of those actually infected might really be the same or even lower with respect to the rest of the population.

Dr. Chapman stated that as they increase the number of tests, they are actually seeing positivity rates going down. What the increased in test do is identify individuals who are at risk of spreading the virus, promptly isolate them, identify and quarantine their contacts.

Councilmember Ramswell pointed out that the number of Okaloosa County residents that have tested positive of the virus was .06% of the entire population which can be considered a very small number without demeaning those who have suffered and even died of the disease.

According to Dr. Chapman, the County represents approximately .97% of Florida population and represents about 4.6% of all the cases. They intervened quickly as the number of cases started to rise which helped control the spread of the virus.

Councilmember Menchel stated that with some facility reopening being planned for next week, if they would be looking for spike of the virus in approximately two weeks.

Dr. Chapman stated they tend to look at the data in two-week timeframe and not day-by-day, and they look at the data at the end of those two weeks. They could expect to see a little bit of an uptick, which can be considered natural due to increased social interaction; adding that increased testing would be quite beneficial.

Councilmember Menchel inquired about protocol and current procedure for testing.

Dr. Chapman noted they have a telephone line 850-344-0566, which is COVID-19 public information line where symptomatic people would be switched over to medical screeners who would discussed the symptoms and schedule people to come to their COVID-19 testing clinic. If people are sick enough and feel a doctor needs to evaluate them, then they would be referred to White-Wilson Medical Clinic for a scheduled appointment.

B. Okaloosa County Emergency Management COVID-19 Updates – Patrick Maddox

Mr. Patrick Maddox of Okaloosa County Emergency Management provided the following information relative to COVID-19:

- “Why did the County choose to have limited hours on the beach?” They are trying to limit out of town visitors from coming to their beaches, especially those travelling from areas severely affected by the virus.
- Having coordination among the surrounding counties makes sense and attempts were made very early; however, it is not as easy as it would seem. They were not able to come to a consensus because there were a lot of individual decisions and opinions
- Contents of the Governor’s speech include:
 - ❖ “Small, deliberate, methodical and data driven” are words to consider when implementing different measures and demobilization tactics
 - ❖ Goals:
 - Protect the elderly and vulnerable citizens
 - Make certain hospitals are supplied and have capacity
 - They need an economic recovery
 - Protect individual rights and civil liberties
 - Increase testing
 - Supply chain is moving much more rapidly
 - Test kits are beginning to flow. As they receive more test kits, they can expand some drive-thru testing sites
 - Prevent the introduction of the virus from outside the State especially from places severely impacted by the virus
 - ❖ State gating criteria:
 - Cough trends and influenza like illness (ILI) dropping
 - Cases declining
 - Last two weeks is positive (between 4.5 and 6 percent for Florida)
 - Crisis care
 - Walk-up testing sites
 - ❖ Phase 1 – May 4th
 - School to continue distance learning
 - Long-term care facilities/nursing homes remain no visitors allowed
 - Elective surgeries can resume but hospitals must provide their own PPEs and must maintain surge capacity
 - Restaurants – allow outdoor seating with 6-foot social distancing and indoor capacity at 25% with social distancing
 - Movie theatres remain closed
 - Retail facilities to open at 25% capacity with social distancing
 - Bars, gymnasiums, personal services shall remain closed
 - Vulnerable population (65 years and over and those with underlying health condition) should avoid close contact to people outside the home

- CDC guidelines of 10 or less for social gathering will still be in place
- Recommendation for face mask in public but no fines for refusal. Specially requested to be practiced by opened businesses
- ❖ Next steps to get to Phase 2
 - Monitoring hospital capacity and resources
 - Monitoring COVID tests positivity rate
 - Monitoring syndromic trends
- Current Data – Okaloosa County
 - ❖ 153 cases (.46% of statewide cases and .07% of County population)
 - ❖ 3 people currently in hospital being treated for COVID-19
 - ❖ 3 deaths but there are many cases in long-term care facilities
 - 27 cases in long-term care facilities including residents and staff
 - ❖ Florida cases including non-residents – 33,193
 - Okaloosa County has less than one percent (.46%) of the positive cases in Florida
 - ❖ ILI syndromic data is generally declining
 - ❖ Okaloosa County has over 30% of available regular bed capacity without counting surge capacity. No ICU bed is currently taken
 - ❖ Over 70 ventilators are available
 - ❖ Each hospital has more than 20 days of M-95s currently in stock and are being replenished

Councilmember Overdier noted that the County's action opening the beaches on a limited basis now is just delaying the inevitable for only a week if they decide to reopen the beaches from dawn to dusk on May 9th; and that he does not fully understand the logic behind it since the Governor is not planning to lift the ban on short-term rentals any time soon.

Mr. Maddox stated he would not comment on it at this point because the resolution to open the beaches full time has not been signed; and that it could possibly change direction based on the Governor's speech today.

Councilmember Morgan stated that it is important to realize that Destin and Okaloosa County's beaches are very different in terms of the public versus the private nature. Destin has been dealing with the inadequacies of their public beach access. Opening the beach for two hours during the day and then in the evening would create a bottleneck for their inadequate public beach accesses and will defeat the purpose of social distancing.

The Land Use Attorney pointed out that the Governor issued Executive Order 20-11 which extends vacation rental suspensions until at least Monday, May 4th. The Governor also extended the executive order dealing with essential services to May 4th.

Councilmember Morgan stated that the question they need to answer is if they are ready to reopen this town to tourism. He does not believe there is going to be a slow reopening. Tourist will return to Destin in groups just as soon as they reopen the beaches and they need to be prepared

for them. He added they do not have enough public beach to service all the short-term rentals and maintain social distancing protocols. He also added that different counties have different time restrictions and different protocols for their beaches which would also create a lot of problems.

Councilmember Marler stated that Destin's economy is based upon tourism. They currently have a lot of jobless residents, and that he himself is in furlough because everything has been shut down. He also stated they should not blame the tourists for breaking rules that even their residents are not following. He added he is in favor of reopening the beaches full time because they need the tourists to come back to Destin.

Councilmember Braden asked how long it would take for restaurants like Harbor Docks to reopen and operate 100 percent.

Councilmember Morgan stated it would be a little quicker for Harbor Docks because they did not completely close; and so, it would probably take a week of solid preparation to open their dining room.

The Mayor stated they also need to get their employees back if they are willing to work or hire new people and train them.

Councilmember Ramswell expressed her opposition to opening the beaches on a limited basis stating that everybody will cram to the beaches during those hours defeating the social distancing guidelines, which according to Capt. Nix is nothing more than a recommendation and not enforceable. She continued that if they open the beaches from dawn to dusk, the crowd would be dispersed throughout the day which would be safer for everybody. She added that if things get out of control, they could always schedule a special meeting to address the situation.

Councilmember Overdier expressed his support to opening the beaches up from dawn to dusk beginning Friday, May 1st.

Councilmember Menchel stated that part-time reopening of the beaches would not make sense and it would be impossible to enforce, and that he would support opening them up on a full-time basis. He also stated that contrary to a previous comment, they are not necessarily blaming the tourists or targeting any individual groups. Part of the decision to close the beaches was to prevent having people from heavily infected areas such as New York, New Jersey or New Orleans from coming to Destin.

Councilmember Braden moved to reopen the Destin beaches from dawn to dusk effective May 1, 2020; seconded by Councilmember Ramswell.

Councilmember Morgan inquired as to the status of Henderson Beach Park.

According to the Deputy City Manager, the park is currently closed, but park representatives are hoping to receive directions from State Park management soon.

Councilmember Menchel asked the City Manager to coordinate with Eglin AFB and convey to them the actions taken by Council tonight.

Councilmember Destin stated that reopening the beaches on a part-time basis would create a lot of confusions from the public. However, he would like to make sure they are not creating some hardships on the part of law enforcement by reopening the beaches full time, which is contrary to the County's decision.

Capt Nix stated that either decision would create a little bit of confusion at first, but this community has done an outstanding job following the rules and they hope they continue to do so. He added that Destin beaches are extremely different than Okaloosa County beaches with the limited amount of public beaches Destin has as compared to private beaches which create so much confusion from visitors coming to town.

Councilmember Ramswell suggests they describe permissible activities if they decide to reopen the beaches.

The City Attorney asked the Council to review Resolution 20-09, particularly section two and provide direction on how they want staff to modify the language in that section. He then read the following language as currently stated in section two for the record:

“Partial Reopening of Certain Properties and Facilities

- 1. Except as otherwise described herein public and private beaches, beach accessways, trails, parking areas solely for accessing public and private beaches, and City beachfront parks (collectively heretofore referred to as the “Beaches”) are reopened between the hour of 6:30 a.m. and 9:00 a.m., and 4:30 p.m. and 7 p.m., daily.*
- 2. Pursuant to Executive Order 20-91, a social gathering is not an essential activity. No group of greater than 10 is permitted to congregate on the Beaches, regardless of whether that group is engaging in an ‘essential activity’.*
- 3. No commercial activity is allowed outside of hours that the Beaches are reopened.”*

Councilmember Morgan wants to know if adoption of this resolution would effectively reopen City parks.

According to the City Attorney, it will reopen only beachfront parks, and that the City Manager has discretion on reopening regular City parks, or the City Council can direct the City Manager in that regard.

The City Manager suggests including the beachfront parks in this resolution and reopening the other park amenities that they shutdown as the trends go to a positive direction.

There were considerable discussions relative to activities that are allowed and those that are prohibited under the newly released Governor's Executive Order 112.

The City Attorney advises that they include a language in this resolution such that Resolution 20-09 is not intended to supersede the Governor's Executive Order 112 and the list of essential activities that area contained therein.

Councilmember Braden offered an amended motion to reopen the Destin beaches from dawn to dusk effective May 1, 2020; and to include a language in Resolution 20-09 that this resolution is not intended to supersede the Governors Executive Order 112 and the list of essential activities that are contained therein. Motion was seconded by Councilmember Ramswell and passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Destin moved to instruct the Mayor to encourage and recommend to all local grocery stores and pharmacies to continue holding the hours that they have set for seniors and vulnerable citizens until they get through Phase 3 of their process of reopening the State of Florida, which would be at the expiration of the Phase 3 of the Executive Order issued by the Governor; seconded by Councilmember Ramswell. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Menchel recommends they advertise on social media and website, and coordinate with the TDD, to educate people to bring supplies with them when they come to Destin.

Councilmember Ramswell requests they put some sort of a Frequently Asked Questions (FAQ) on social media and websites that addresses the different types of questions relating to this subject.

The City Manager noted they have not closed any of the bayside parks except for the playground amenities in Clement Taylor Park. Morgan Sports Center is still closed, and they have not resumed sporting events.

Councilmember Morgan asked staff to include discussion on the opening of City parks that are currently closed including playgrounds on the May 4th Council meeting agenda.

3. PUBLIC COMMENTS

Ms. Marcie Bell noted that short-term rentals are currently renting despite the Governor's executive order suspending it indefinitely. She also stated she is still very confused regarding the decision the Council made tonight.

The Mayor clarified that the Council voted to reopen the Destin beaches from dawn to dusk starting Friday, May 1st.

Mr. Bill Reddington expressed his gratitude to the decision the Council made tonight; stating that it will help a lot of people who are currently struggling to make ends meet. He also stated there are many short-term rentals that are not renting but allowing members of their families to use the house, which is within their rights to do so.

ADJOURNMENT

Having no further business at this time, the meeting was adjourned at 7:45 PM.

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM: Lance Johnson, City Manager

DATE: 5/26/20

SUBJECT: Capt. Royal Melvin Heritage Park and Plaza - Update

I. BACKGROUND: April 20th, 2020 council voted to place Captain Royal Melvin Heritage Park on the City Manager's Report for an update at every council meeting.

II. DISCUSSION: The bid opening for this project will be held on May 28, 2020 at 2:00 p.m. (cst). The bid committee will meet on June 3rd to consider all bidders. The bid committee will bring a recommendation for council consideration at the June 15th meeting.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: none at this time

Attachments:

None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Joe Bodi, Engineering Asst. II

DATE: May 27, 2020

SUBJECT: Roadway Redesign and Use or Disposal/Vacation of City-Owned Property relating to the Cross Town Connector.

I. BACKGROUND: Staff was requested to provide City Council an analysis of the following issues concerning the Cross Town Connector:

- 1) Reduction to a 2-lane roadway design.
- 2) What is the potential excess property and what will be the potential use of that property?
- 3) What is the process of disposal of excess property?
- 4) Can Legion Drive between Main Street and Beach Drive can support a 4-lane road?
- 5) Review vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue and whether such potential excess property can be used for other public purposes.

II. DISCUSSION:

The following is a discussion of each of the above issues

1) Reduction to 2-lane roadway design and redesign.

A reduction of the current proposed 4-lane roadway to a 2-lane roadway will require the following the minimum specifications and right-of-way width:

- * 71' wide right-of-way
- * A two -11' wide lane separated (median) section with 4' wide bike lanes and

two 10' wide multi-use trails in accordance with the: **Comprehensive Plan Chapter 2, Transportation, the Land Development Code Table 8-1 and the Code of Ordinances.**

* Complete ROW acquisition.

The parcels along the current proposed connector path are earmarked for a future roadway but have not been declared by the City Council as right of way. As individual parcels, they currently maintain their zoning and future land use. The current Cross Town Connector road design assumes and utilizes the entire properties purchased as right of way. Reducing the width of right-of-way will require some redesign of the two-lane section for stormwater and pedestrian requirements.

Changing the existing property lines including dedicating/declaring right-of-way and creating new parcels would require a replat/subdivision process.

2) The potential excess property that would be available when the Cross Town Connector road is reduced to 2 lanes between Beach Drive and Benning Drive

Proposed uses for excess properties not utilized in a 2-lane roadway design include:

- * Parks (linear, roadside, neighborhood)
- * additional retention areas
- * additional public parking
- * If the City Council decides to retain the parcels for a different use, the zoning and future land use may need to change.

3) The process for disposal of City Owned Property between Beach Drive and Benning Drive.

If the City Council decides to redesign the Cross Town Connector to a 2-lane roadway, and dispose of all excess property, the process for the disposal of public properties deemed obsolete, uneconomical or are not needed for any public purpose is outlined in the city's **Code of Ordinances, Chapter 2 - Administration, Article 3 - City Property, Division 2 - Disposal of Surplus Property.** If out parcels are to become private property, the outparcels must meet the lot size minimum size per the zoning requirements.

4) Can Legion Drive between Main Street and Beach Drive support a 4-lane road

- * The simple answer is no.
- * This segment of Legion Drive is a 60' wide ROW. A minimum of 93' width is

required for a four-lane section.

* Therefore, the segment of Legion Drive between Main Street and Beach Drive cannot be 4-lane to meet current code.

5) Reduction of Vacation of Azalea Drive ROW between Benning Drive and Stahlman Ave

Reducing Azalea Drive from a 100' wide to a 71' wide ROW will entail the following:

* Road meanders within the ROW making equal division of potentially vacated ROW to the adjacent property owners impossible without significant road reconstruction.

* Majority of public utilities within the existing ROW would no longer be in the public ROW and would need easements or reconstruction within the remaining ROW.

* Majority of public sidewalks within the existing ROW would no longer be in the public ROW and would need to be removed and reconstructed within the remaining ROW.

* Reducing the current ROW may adversely impact any future utility undergrounding opportunities.

* With the redesign and replat of Azalea Drive Extension (between Beach Drive and Benning Drive) to a 2-lane road section and the inability for constructing 4-lanes on Legion Drive (between Main Street and Beach Drive), constructing **4-lanes** on Azalea Drive would be unlikely and would not be beneficial for the overall Cross Town Connector.

Therefore, it is not recommended to reduce and vacate the current Azalea Drive ROW because the City can use the property for public purposes.

A. Link to Strategic Goals / Objectives: 2.B. Cross Town Connector (US Highway 98 Alternative) Direction, Funding ROW/Acquisition.

B. Effect on Budget (EOB): The effect on budget is to be determined.

C. Level of Service (LOS): Completing the Cross Town Connector would increase the level of service for the City of Destin transportation system.

III. CONCLUSION:

1. A redesign of the proposed 4-lane to a 2-lane Cross Town Connector can be undertaken between Benning Drive and Beach Drive.

2. There will be excess property with the 2-lane redesign of Azalea Drive extension between Beach Drive and Benning Drive.

3. The potential uses of the excess properties are:

- * Parks
- * Additional parking
- * Additional retention areas
- * If the City Council decides to retain the parcels for a different use, the Zoning and Future Land Use may need to change.

OR

- * Use of disposal process outlined in the Code of Ordinances

4. 4-lane roadway on Legion Drive between Main Street and Beach Drive is not possible under the current code.

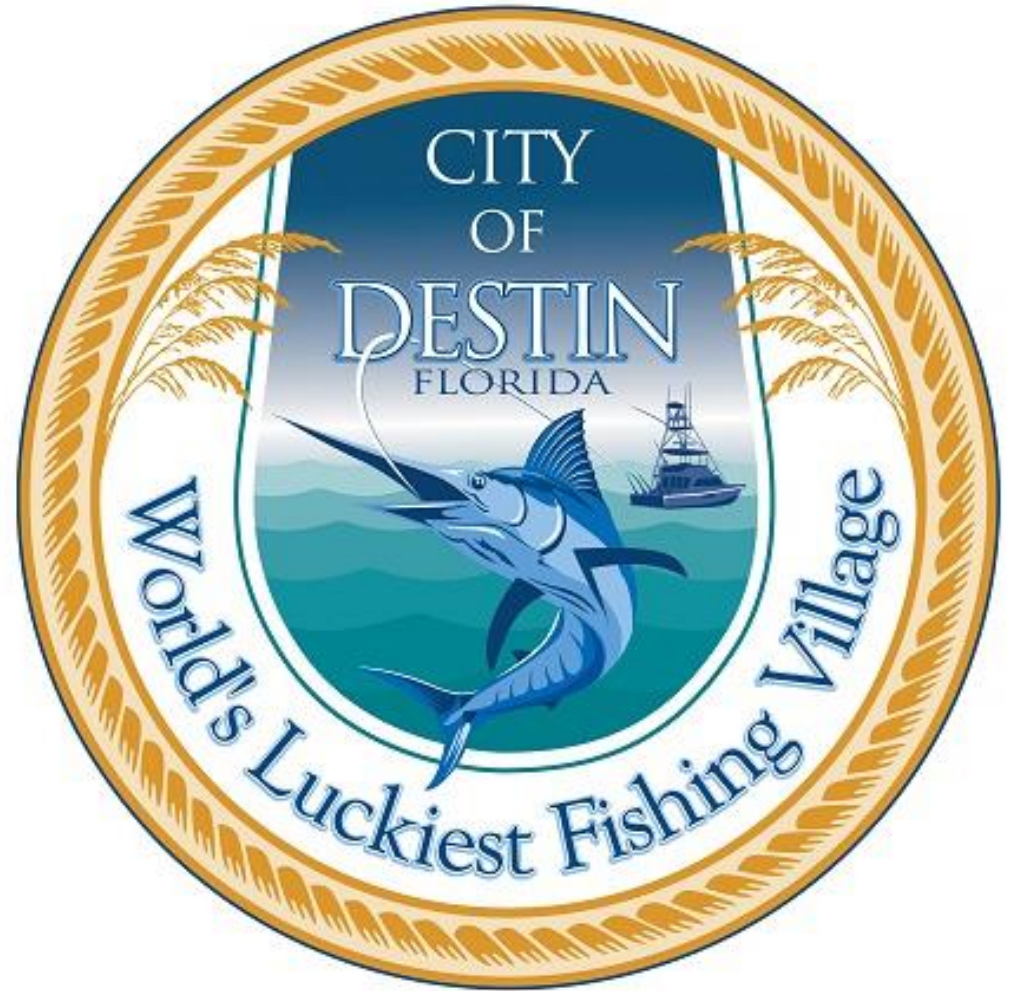
5. Reduction and vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue is not recommended because the City can use the property for public purposes.

IV. RECOMMENDED MOTION: City Council Discretion

Attachments:

1. Crosstown Connector CCv4
2. Crosstown Connector Staff Report

Cross Town Connector



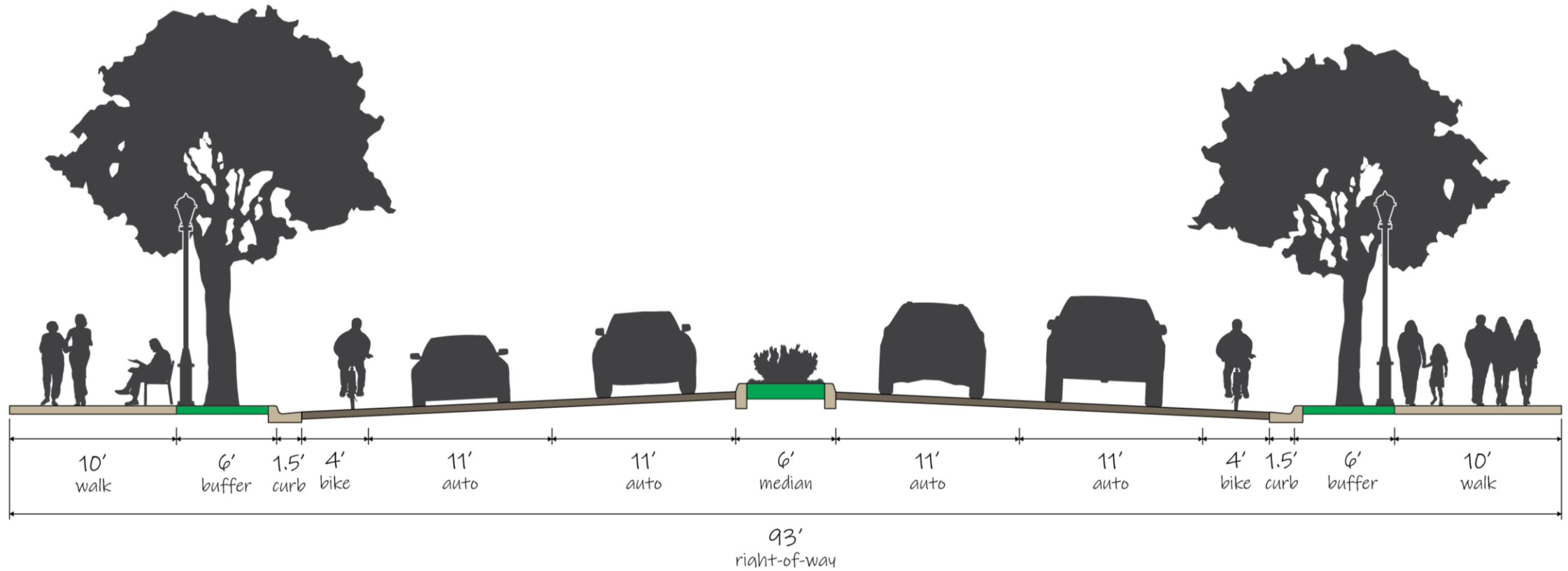
The Questions

Issues for Analysis

1. Reduction to 2-lane roadway design
2. What is the potential excess property and what will be the potential use of that property?
3. What is the process of disposal of excess property?
4. Can Legion Drive between Main Street and Beach Drive support 4-lane road?
5. Review vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue.



CrossTown Connector
as approved in the current Comprehensive Plan



Current Design:
Four Lane Section – ROW 93 Feet

Applicable Comprehensive Plan Policies

- **Policy 1-1.1.3: Major Natural and Manmade Corridors.**
 - Major transportation corridors such as the Harbor Boulevard/Emerald Coast Parkway, which is a major focal point for the motoring, biking, and walking public and an inviting gateway to visiting tourists, and the "Cross Town Connector" (Stahlman Ave., Azalea Dr., Legion Dr., Airport Rd., and Commons Dr. W).
- **OBJECTIVE 2-1.1: SYSTEM DESIGN.** Continue to provide a safe, convenient, efficient and cost effective multimodal transportation system and roadway network that optimizes access for present and future residents.
- **Policy 2-1.1.1: Pursue Additional Road Corridor Improvements.** The City shall continue to pursue the acquisition of rights-of-way, the design and the construction of multimodal facilities for future and existing corridors that will facilitate the east-west and north-south movement of all modes of transportation as shown on Maps 2-1 and 2-2 of this Transportation Element.
- **Policy 2-1.1.2: Relieve Congestion.** Any new roadway improvement related to Policy 2-1.1.1 shall contribute to automobile congestion relief on Harbor Boulevard/US Highway 98 East/Emerald Coast Parkway and existing north-south corridors by providing alternatives for local traffic.

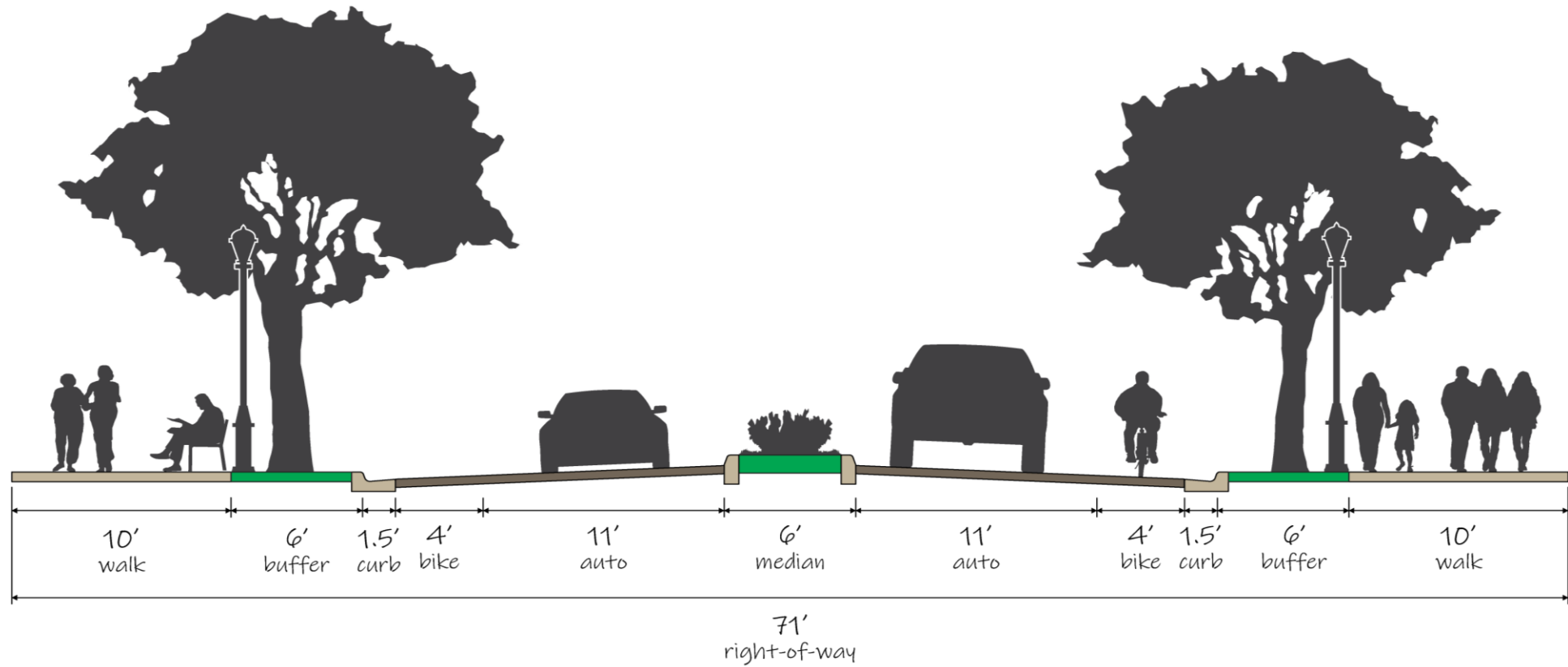
Applicable Land Development Code Requirements

4-Lane (Major Collector)

- Azalea Drive Extension (Benning Dr. to Beach Dr.)
 - Major Collector (**LDC 8.03.01.D**)
- Roadway Design Standards (**LDC Table 8-1**)
 - 4-lane (major collector)
 - Maximum right-of-way width of 111'

Travel Lane Width	Median Width	Bicycle Lane Width	Buffer Width	Sidewalk Width
11 feet	6-12 feet	4 feet	6 feet	10 feet

- Pedestrian amenities (**LDC 8.09.03**)
 - Minimum of one bench and one other pedestrian amenity every 150 feet of sidewalk
 - Street trees planted along the public sidewalk:
 - 30 feet for small trees
 - 40 feet for medium trees
 - 50 feet for large trees
 - Pedestrian-scaled lighting in the buffer area at a spacing of 80 feet on center.



Proposed reduction:
Two Lane Section – ROW 71 Feet

Applicable Comprehensive Plan Policies

- **Policy 1-1.1.3: Major Natural and Manmade Corridors.**
 - Major transportation corridors such as the Harbor Boulevard/Emerald Coast Parkway, which is a major focal point for the motoring, biking, and walking public and an inviting gateway to visiting tourists, and the "Cross Town Connector" (Stahlman Ave., Azalea Dr., Legion Dr., Airport Rd., and Commons Dr. W).
- **OBJECTIVE 2-1.1: SYSTEM DESIGN.** Continue to provide a safe, convenient, efficient and cost effective multimodal transportation system and roadway network that optimizes access for present and future residents.
- **Policy 2-1.1.1: Pursue Additional Road Corridor Improvements.** The City shall continue to pursue the acquisition of rights-of-way, the design and the construction of multimodal facilities for future and existing corridors that will facilitate the east-west and north-south movement of all modes of transportation as shown on Maps 2-1 and 2-2 of this Transportation Element.
- **Policy 2-1.1.2: Relieve Congestion.** Any new roadway improvement related to Policy 2-1.1.1 shall contribute to automobile congestion relief on Harbor Boulevard/US Highway 98 East/Emerald Coast Parkway and existing north-south corridors by providing alternatives for local traffic.

Applicable Land Development Code Requirements

2-Lane (Minor Collector)

- Azalea Drive Extension (Benning Dr. to Beach Dr.)
 - Major Collector (**LDC 8.03.01.D**)
- Roadway Design Standards (**LDC Table 8-1**)
 - 2-lane (minor collector)
 - Maximum right-of-way width of 88'

Travel Lane Width	Median Width	Bicycle Lane Width	Buffer Width	Sidewalk Width
11 feet	6-12 feet	4 feet	6 feet	10 feet

- Pedestrian amenities (**LDC 8.09.03**)
 - Minimum of one bench and one other pedestrian amenity every 150 feet of sidewalk
 - Street trees planted along the public sidewalk
 - 30 feet for small trees
 - 40 feet for medium trees
 - 50 feet for large trees
 - Pedestrian-scaled lighting in the buffer area at a spacing of 80 feet on center.

71' ROW Possible Alignment

(Beach Drive to
Benning Drive)



- Zone 1 will accommodate 2 or 4 lane road section
- Zone 2 can not accommodate 2 or 4 lane road section without additional acquisition.



71' ROW Possible Alignment (Beach Drive to Benning Drive)

Potential Uses or Disposal of Excess Properties

Potential Uses



PARKS (LINEAR,
ROADSIDE,
NEIGHBORHOOD)



ADDITIONAL
RETENTION AREAS



ADDITIONAL PUBLIC
PARKING

Potential Disposal

Had the City acquired ALL necessary property for the 4-lane roadway, there would potentially be an excess of property of the difference between the 93' and 71' ROW. In such case, disposing of property set aside for ROW for the Crosstown Connector is not in accordance with Chapter 2-Article 3- Division 2 of the Code of Ordinances.

Can
Legion Drive
between Main
Street & Beach
Drive support a
4-lane road?

This segment of Legion Drive is a 60' wide ROW.

The minimum width needed for a code compliant 4-lane roadway is 93'.

Therefore, this segment of Legion Drive cannot support a four-lane road to meet current code within the existing right-of-way.



Legion Drive (between Main Street and Beach Drive)



Azalea Drive 100' ROW
(between Stahlman Avenue and Benning Drive)

Can Azalea Drive ROW between Stahlman Avenue & Benning Drive be Reduced?

This segment of Azalea Drive is a 100' wide ROW.

- Road meanders within the ROW making equal division of potentially vacated ROW to the adjacent property owners impossible without significant road reconstruction.
 - Majority of public utilities within the existing ROW would no longer be in the public ROW.
 - Majority of public sidewalks within the existing ROW would no longer be in the public ROW and would need removed and reconstructed within the remaining ROW.
 - Reducing the current ROW may adversely impact any future utility undergrounding opportunities.
 - With the redesign and replat of Azalea Drive Extension (between Beach Drive and Benning Drive) to a two-lane road section and the inability for constructing four lanes on Legion Drive (between Main Street and Beach Drive), constructing four-lanes on Azalea Drive would be unlikely nor be beneficial for the overall cross-town connector.
-

It is not recommended to reduce the Azalea Drive ROW.

Conclusion

1. A redesign of the proposed 4-lane to a 2-lane Cross Town Connector can be undertaken between Benning Drive and Beach Drive.
2. There will be excess property with the 2-lane redesign of Azalea Drive extension between Beach Drive and Benning Drive.
3. The potential uses of the excess properties are:
 - Parks
 - Additional parking
 - Additional retention areas
 - If the City Council decides to retain the parcels for a different use, the Zoning and Future Land Use may need to change.

OR

 - Use of disposal process outlined in the Code of Ordinances
4. 4-lane roadway on Legion Drive between Main Street and Beach Drive is not possible under the current code.
5. Reduction and vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue is not recommended.



CITY OF DESTIN

AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Report

TO: Mayor and City Council
THRU: Lance Johnson, City Manager**THRU:** Louis Zunguze, Community Development Director
Kimberly Kopp, City Land Use Attorney**FROM:** Joe Bodi, Engineering Assistant II**DATE:** May 27, 2020**SUBJECT:** Roadway Redesign and Use or Disposal/Vacation of City-Owned Property
relating to the Cross Town Connector

I. BACKGROUND: Staff was requested to provide City Council an analysis of the following issues concerning the Cross Town Connector:

- (1) Reduction to a 2-lane roadway design.
- (2) What is the potential excess property and what will be the potential use of that property?
- (3) What is the process of disposal of excess property?
- (4) Can Legion Drive between Main Street and Beach Drive support a 4-lane road.
- (5) Review vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue.

II. DISCUSSION: The following is a discussion of each of the above issues.**1) Reduction to 2-lane roadway design and redesign.**

A reduction of the current proposed 4-lane roadway to a 2-lane roadway will require the following the minimum specifications and right-of-way width:

- 71' wide right-of-way
- A two -11' wide lane separated (median) section with 4' wide bike lanes and two - 10' wide multi-use trails in accordance with the: **Comprehensive Plan Chapter 2, Transportation, the Land Development Code Table 8-1** and the **Code of Ordinances**.
- Complete ROW acquisition.

The parcels along the current proposed connector path are earmarked for a future roadway but have not been declared by the City Council as right of way. As individual parcels, they currently maintain their zoning and future land use. The

current cross-town connector road design assumes and utilizes the entire properties purchased as right of way. Reducing the width of right-of-way will require some redesign of the two-lane section for stormwater and pedestrian requirements. Changing the existing property lines including dedicating/declaring right-of-way and create new parcels would require a replat.

2) The potential excess property that would be available when the Cross Town Connector road is reduced to 2-lanes between Beach Drive and Benning Drive

Proposed uses for excess properties not utilized in a 2-lane roadway design include:

- Parks (linear, roadside, neighborhood)
- additional retention areas
- additional public parking
- If the City Council decides to retain the parcels for a different use, the zoning and future land use may need to change.

3) The process for disposal of City Owned Property between Beach Drive and Benning Drive.

If the City Council decides to redesign the Cross Town Connector to a 2-lane roadway, and dispose of all excess property, the process for the disposal of public properties deemed obsolete, uneconomical or are not needed for any public purpose is outlined in the City's Code of Ordinances, Chapter 2 - Administration, Article 3 - City Property, Division 2 - Disposal of Surplus Property. If out parcels are to become private property, the outparcels must meet the lot size minimum size per the zoning requirements.

4) Can Legion Drive between Main Street and Beach Drive support a 4-lane road

- The simple answer is no.
- This segment of Legion Drive is a 60' wide ROW. A minimum of 93' width is required for 4-lane section.
- Therefore, the segment of Legion Drive between Main Street and Beach Drive cannot be 4-lane to meet current code.

5) Reduction of Vacation of Azalea Drive ROW between Benning Drive and Stahlman Ave

Reducing Azalea Drive from a 100' wide to a 71' wide ROW will entail the following:

- Road meanders within the ROW making equal division of potentially vacated ROW to the adjacent property owners impossible without significant road reconstruction.
- Majority of public utilities within the existing ROW would no longer be in the public ROW and would need easements or reconstruction within the remaining ROW.

- Majority of public sidewalks within the existing ROW would no longer be in the public ROW and would need to be removed and reconstructed within the remaining ROW.
- Reducing the current ROW may adversely impact any future utility undergrounding opportunities.
- With the redesign and replat of Azalea Drive Extension (between Beach Drive and Benning Drive) to a 2-lane road section and the inability for constructing four lanes on Legion Drive (between Main Street and Beach Drive), constructing 4-lanes on Azalea Drive would be unlikely and would not be beneficial for the overall Crosstown Connector.

Therefore, it is not recommended to reduce and vacate the current Azalea Drive ROW

- A. **Link to Strategic Goals /Objectives:** 2.B. Cross Town Connector (US 98 Alternative) Direction, Funding ROW Acquisition.
- B. **Effect on Budget (EOB):** The effect on budget is to be determined.
- C. **Level of Service (LOS):** Completing the Cross Town Connector would increase in the level of service for the City of Destin transportation system.

III. CONCLUSION:

- 1) A redesign of the proposed 4-lane to a 2-lane Cross Town Connector can be undertaken between Benning Drive and Beach Drive.
- 2) There will be excess property with the 2-lane redesign of Azalea Drive extension between Beach Drive and Benning Drive.
- 3) The potential uses of the excess properties are:
 - Parks
 - Additional parking
 - Additional retention areas
 - If the City Council decides to retain the parcels for a different use, the Zoning and Future Land Use may need to change.
 - OR
 - Use of disposal process outlined in the Code of Ordinances
- 4) 4-lane roadway on Legion Drive between Main Street and Beach Drive is not possible under the current code.
- 5) Reduction and vacation of Azalea Drive ROW between Benning Drive and Stahlman Avenue is not recommended.

IV. RECOMMENDED MOTION: City Council Discretion.

ITEM # _____

Attachment A: Presentation

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Webb Warren, Deputy City Manager
Kyle Bauman, City Attorney

FROM: Michael Burgess, Public Services Director

DATE: 05/21/2020

SUBJECT: Airport Road Improvements, authorization to allow the City Manager to sign a Maintenance Agreement with FDOT

I. BACKGROUND: The Florida Department of Transportation has agreed to design and construct an off-system improvement to the curved section of Airport Road between Mattie M. Kelly Boulevard and Quail Circle.

II. DISCUSSION: Approval of federal aid necessary to design and construct this project requires a Maintenance Agreement to be executed by the "Local Agency".

The roadway improvements associated with this project consist of the following items that were recommended by a Road Safety Audit dated July 2016:

- Installation of a high-friction surface treatment on the curve adjacent to the airport fence
- Upgrading signage and markings throughout the corridor including chevrons, curve warning signs, reflective pavement markings and re-striping
- Addition of a guardrail westbound in the curve's control zone
- The evaluation of the roadway's shoulders and remedying as needed

The attached Maintenance Agreement (ATT1) was prepared jointly by FDOT's legal team in consultation with the City Attorney.

A. Link to Strategic Goals / Objectives: Objective 3B4 - Airport Road Safety Improvements

B. Effect on Budget (EOB): There are not expected to be any near-term expenses associated with this project.

C. Level of Service (LOS): Improved safety on a curve that has a history of vehicular accidents.

III. CONCLUSION: By authorizing this maintenance agreement through the attached resolution (ATT2), FDOT will be able to move forward with the construction of the roadways improvements associated with this project without delay.

IV. RECOMMENDED MOTION: I move that the City Council approve Resolution 20-11 and that City Manager be authorized to execute and deliver the Maintenance Agreement provided and any other related documents necessary to consummate this agreement.

Attachments:

1. ATT1: Maintenance Agreement - Airport Road
2. ATT2: Resolution 20-11 Airport Road Safety Improvements for June 1 052220

**STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
OFF SYSTEM PROJECT MAINTENANCE AGREEMENT**

This Off System Project Maintenance Agreement (“Agreement”) is between the State of Florida Department of Transportation (“DEPARTMENT”), and City of Destin, a political subdivision of the State of Florida (“LOCAL AGENCY”). The DEPARTMENT and the LOCAL AGENCY are sometimes referred to in this Agreement as a “Party” and collectively as the “Parties.”

RECITALS

1. Federal funding is available for the costs of safety improvements and other minor related improvements on Airport Road (from and including the intersection of Quail Circle to and including the intersection of Mattie M Kelly Boulevard) and pursuant to Title 23, United States Code; and

2. The DEPARTMENT is preparing to undertake a project within the LOCAL AGENCY identified and known to the Parties by Financial Project I.D. 421993-2, which will be of benefit to the LOCAL AGENCY (“PROJECT”); and

3. The PROJECT, or a portion of the PROJECT, is being performed on Airport Road in Okaloosa County, Florida, a road not on the State Highway System; and

4. Approval of federal aid necessary to the PROJECT requires agreement by the LOCAL AGENCY to maintain the PROJECT or the portion of the PROJECT that is located on the LOCAL AGENCY’S right-of-way; and

5. The LOCAL AGENCY, by resolution No. _____, dated _____, 20__, a copy of which is attached hereto and made a part hereof, has authorized the _____ to execute this Agreement.

NOW THEREFORE, in consideration of the mutual benefits to be derived by the terms of this Agreement, the Parties hereby agree as follows:

6. The recitals in paragraphs 1-5 above are true and correct and are incorporated into and made a part of this Agreement.

7. The DEPARTMENT will undertake the PROJECT and obtain approval of the Federal Highway Administration for federal participation.

8. The LOCAL AGENCY hereby appoints the DEPARTMENT as its agent for purposes of the notification, construction, reconstruction and relocation of utilities under Sections 337.401, 337.402, 337.403, and 337.404, Florida Statutes. The LOCAL AGENCY agrees to fully cooperate with the DEPARTMENT in the construction, reconstruction and relocation of utilities that may be located within the existing or acquired right-of-way. The Parties agree to meet on a periodic basis, as determined to be necessary by the DEPARTMENT, during the planning, design, construction and post-construction phase to identify, plan and to

relocate utilities. The responsibility for the costs associated with the relocation of utilities shall be based on Florida law as it relates to said matters. The Parties agree that if existing utilities owned by the LOCAL AGENCY are required to be reconstructed or relocated as a result of the PROJECT that the costs associated therewith shall be deemed to be a cost of the PROJECT to be paid for by the LOCAL AGENCY.

9. The LOCAL AGENCY acknowledges that the DEPARTMENT will be utilizing federal funds on the PROJECT and as a result thereof the LOCAL AGENCY agrees to maintain the PROJECT in perpetuity according to DEPARTMENT standards. The LOCAL AGENCY further recognizes and acknowledges that if the DEPARTMENT will be utilizing federal funds on the PROJECT, the National Environmental Policy Act ("NEPA") process will need to be completed and the DEPARTMENT reserves the right to adjust the plans and or design of the PROJECT to meet the needs of the permits. The LOCAL AGENCY agrees to fully cooperate in the provision of any and all studies and or data that may be necessary for the NEPA process and for all other permit matters.

10. The LOCAL AGENCY acknowledges and agrees that LOCAL AGENCY'S right-of-way, and the improvements located within the LOCAL AGENCY right-of-way, are and will remain under the ownership of the LOCAL AGENCY and that the DEPARTMENT will not have any ownership interest in the right-of-way or to any improvements located thereon. Additionally, the DEPARTMENT'S right-of-way, and the improvements located within the DEPARTMENT'S right-of-way, are and will remain under the ownership of the DEPARTMENT and the LOCAL AGENCY will not have any maintenance responsibilities nor ownership interest in the right-of-way or to any improvements located thereon. Notwithstanding the requirements hereof, maintenance during construction shall be the responsibility of the DEPARTMENT and its contractor.

11. Upon completion of the PROJECT, the DEPARTMENT shall issue a Notice of Final Acceptance to the contractor with a copy of said notice being provided to the LOCAL AGENCY. Upon issuance of the Notice of Final Acceptance, the LOCAL AGENCY shall be immediately responsible for the perpetual maintenance of the PROJECT or the portion of the PROJECT that is located on the LOCAL AGENCY'S right-of-way. The DEPARTMENT shall also have the right to assign interim maintenance responsibility to the LOCAL AGENCY for specified portions of the PROJECT before the issuance of the Notice of Final Acceptance. Said assignment of maintenance responsibility shall be sent by the DEPARTMENT to the LOCAL AGENCY in writing with sufficient description to place the LOCAL AGENCY on notice of the interim maintenance responsibility. Notwithstanding the issuance of the Notice of Final Acceptance, the DEPARTMENT shall have the right to assure completion of any punch list by the contractor. Additionally, the LOCAL AGENCY understands and agrees that the DEPARTMENT shall transfer all permits to the LOCAL AGENCY as the operational maintenance entity and the LOCAL AGENCY agrees to accept said transfer and to become fully responsible to comply with all operational and maintenance conditions of the permits.

12. This Agreement shall become effective as of the date both Parties hereto have executed the Agreement and shall continue in full force and effect until the PROJECT is

completed by the DEPARTMENT and the improvements have been turned over to the LOCAL AGENCY by the DEPARTMENT by formal notice from the DEPARTMENT. The DEPARTMENT reserves the right to unilaterally cancel its performance hereunder if it determines that it is in the best interest of the public to do so. This discretion shall include but shall not be limited to budgetary and bid cost considerations.

13. The DEPARTMENT may unilaterally cancel this Agreement for refusal by the LOCAL AGENCY to allow public access to all documents, papers, letters or other material subject to the provisions of Chapter 119, Florida Statutes and made or received by the LOCAL AGENCY in conjunction with this Agreement.

14. It is understood that the DEPARTMENT's participation in said PROJECT is subject to Legislative approval of the DEPARTMENT's appropriation request in the work program year that the PROJECT is scheduled.

15. The DEPARTMENT's performance and obligations to pay under this Agreement is contingent upon an annual appropriation by the Legislature. If the DEPARTMENT's funding for this PROJECT is in multiple years, funds approved from the DEPARTMENT'S Comptroller must be received every year prior to costs being incurred.

16. In the event this Agreement is in excess of \$25,000.00 and has a term for a period of more than one year, the provisions of Section 339.135(6)(a), Florida Statutes are hereby incorporated:

"The Department, during any fiscal year, shall not expend money, incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts budgeted as available for expenditure during such fiscal year. Any contract, verbal or written, made in violation of this subsection is null and void, and no money may be paid on such contract. The department shall require a statement from the comptroller of the Department that funds are available prior to entering into any such contract or other binding commitment of funds. Nothing herein contained shall prevent the making of contracts for periods exceeding 1 year but any contract so made shall be executory only for the value of the services to be rendered or agreed to be paid in succeeding fiscal years, and this paragraph shall be incorporated verbatim in all contracts of the Department which are for an amount in excess of \$25,000.00 and which have a term for a period of more than 1 year."

17. This Agreement shall be governed by the laws of the State of Florida. Any provision hereof found to be unlawful or unenforceable shall be severable and shall not affect the validity of the remaining portions hereof.

18. To the extent permitted by law, LOCAL AGENCY shall indemnify, defend, and hold harmless the DEPARTMENT and all of its officers, agents, and employees from any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission or negligent act by LOCAL AGENCY, its agents, or employees, during the performance of the Agreement, except

that neither LOCAL AGENCY, its agents, or its employees will be liable under this paragraph for any claim, loss, damage, cost, charge, or expense arising out of any act, error, omission, or negligent act by the DEPARTMENT or any of its officers, agents, or employees during the performance of the Agreement. Nothing herein shall be deemed a waiver of the rights of sovereign immunity of either Party.

19. All notices required pursuant to the terms hereof may be sent by first class United States Mail, facsimile transmission, hand delivery or express mail and shall be deemed to have been received by the end of five business days from the proper sending thereof unless proof of prior actual receipt is provided. Each Party hereto shall have the continuing obligation to notify each other of the appropriate persons for notices to be sent to pursuant to the terms of this agreement. Unless otherwise notified in writing, notices shall be sent to the following:

LOCAL AGENCY: Public Works Director
The City of Destin
4200 Indian Bayou Trail
Destin, FL, 32541

DEPARTMENT: District Traffic Operations Engineer
Florida Department of Transportation
Post Office Box 607
Chipley, FL 32428

The remainder of this page intentionally left blank

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the dates exhibited by the signatures below.

DEPARTMENT:

LOCAL AGENCY:

**STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION**

**City of Destin, a political
subdivision of the State of Florida**

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

Attest: _____

Attest: _____

Legal Review:

Legal Review:

Office of the General Counsel

Kyle S. Bauman, Esq., City Attorney

RESOLUTION 20-11

A RESOLUTION OF THE CITY OF DESTIN, FLORIDA, AUTHORIZING THE EXECUTION OF A MAINTENANCE AGREEMENT BETWEEN THE CITY OF DESTIN AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO THAT SECTION OF AIRPORT ROAD BETWEEN MATTIE M. KELLY BOULEVARD AND QUAIL CIRCLE.

WHEREAS, the City of Destin, Florida (“City”), a municipal corporation of Okaloosa County and political subdivision of the State of Florida has appointed the Florida Department of Transportation (“FDOT”) to direct the design and construction of safety improvements on Airport Road; and

WHEREAS, the City Council, as the governing body of the City, has determined that because the section of Airport Road described above is dangerous for vehicular traffic and pedestrians, a true and very real need exists to provide for these improvements; and

WHEREAS, the City appoints FDOT as its agent for purposes of the notification, construction, reconstruction, and relocation of utilities under Sections 337.401, 337.402, 337.403, and 337.404, Florida Statutes; and

WHEREAS, the City intends to fully cooperate with FDOT in the construction, reconstruction and relocation of utilities that may be located within the existing right-of-way; and

WHEREAS, the City acknowledges that FDOT will be utilizing federal funds on the project and as a result thereof the City agrees to maintain the project in perpetuity according to FDOT standards; and

WHEREAS, the City acknowledges and agrees that the City’s right-of-way, and the improvements located within the said right-of-way, are and will remain under the ownership of the City and that FDOT will not have any ownership interest in the right-of-way, improvements located thereon; and

WHEREAS, upon completion of the project, FDOT shall issue a Notice of Final Acceptance to the contractor with a copy of said notice being provided to the CITY. Upon issuance of the Notice of Final Acceptance, the City shall be immediately responsible for the perpetual maintenance of the project or the portion of the project that is located on the City’s right-of-way; and

WHEREAS, the State of Florida Department of Transportation Off System Project Maintenance Agreement (the “Maintenance Agreement”), attached hereto as Exhibit “A,” is incorporated by reference, and for the reasons in the recitals contained above, its execution is in the best interest of the City and the public’s health, safety, and welfare.

NOW, THEREFORE, the City Council of the City of Destin, Florida (the “City Council”) does hereby declare and establish the following:

Section 1. Recitals.

1. The foregoing recitals are true and correct, and incorporated into this Resolution.

Section 2. Direction Relating to the Maintenance Agreement.

2. The City Council hereby designates the City Manager, for the purposes of execution and delivery of the Maintenance Agreement and any related documents necessary to consummate this agreement.
3. The City Manager is directed to execute and deliver the Maintenance Agreement and any related documents necessary to consummate this agreement.

PASSED AND DULY ADOPTED THIS 1ST DAY OF JUNE 2020.

By:

Gary Jarvis, Mayor

ATTEST:

Rey Bailey, City Clerk

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Michael Burgess, Public Services Director
Joey Forgione, Code Compliance Manager
Louis Zunguze, Community Development Director
Lisa Firth, Parks & Rec Director
Lorraine Berish, Senior Administrative Coordinator
Lance Johnson, City Manager

FROM: Webb Warren, Deputy City Manager

DATE: May 20, 2020

SUBJECT: Update on Beach Paid Parking (Parking South of Highway 98) and Resident Passes

I. BACKGROUND: On November 4th, 2019, Council passed a motion to direct the City Manager to continue with the current paid parking app system in City Parking lots and add the parking in Crystal Beach and Gulf Shore Drive as short-term parking with the rate of \$5 per 5 hours and no parking from dusk to dawn; and that the city provide passes to residents (ATT1).

On January 6, 2020, Council voted to adopt a presented resident beach parking pass program that allows for free parking on Scenic Hwy 98 in Crystal Beach and Gulf Shore Drive in Holiday Isle and have the program in place by March 1, 2020 (ATT2).

Due to COVID-19, facility closures and staff turn over, the program was delayed from being implemented on the original target date of March 1. For these reasons, on April 20th, staff brought forward an update for Council on how staff would be implementing the program. At that meeting, Council passed a motion to continue this item until the first council meeting in June (ATT3).

II. DISCUSSION: The beach paid parking program was approved and prepared to go live in March, but was delayed due to COVID-19 associated challenges as well as staff turnover.

City facilities are now partially open and can process passes in-person or

virtually. The virtual application process for the resident beach parking will be similar to our existing Joe's Bayou and Henderson Beach pass system. Residents can apply for a resident parking pass online or in-person. The residential pass program will be free for all full-time residents of Destin and will offer 2 passes per eligible household. It will be administered in similar ways that the Joe's Bayou and Henderson Beach Pass program is administered. Each full-time resident will have to provide a tag number that will correspond with each registered resident beach pass permit issued.

Staff has identified the paid parking zones along Scenic Hwy 98 and Gulf Shore drive and ordered the proper signage and resident passes (ATT4).

Code Compliance has had refresher training on the paid parking system and is ready to assist in enforcing the system. Paid parking fees are to be earmarked for maintaining the existing program and to fund future parking projects within the City.

The original hours that were discussed for the paid parking spots were from Dawn till Dusk. Staff believe that the hours of 3:00AM till 11:00 PM will best accommodate our fishing heritage and acceptable parking use while preventing the spots from being used for overnight parking. Some of these parking areas are known to be used by fisherman. This time frame also provides an even block of hours (4 x 5 hours @ \$5 each block) for our established rates.

Pending Council direction, staff can begin to provide public information on the paid parking and residential pass program. Staff recommends the beach paid parking program to begin on June 22, 2020 to provide residents the opportunity to apply for and receive passes.

A. Link to Strategic Goals / Objectives: Enhance the City's Recreational opportunities.

B. Effect on Budget (EOB): This will reduce the projected revenue received for paid parking along Scenic Highway 98 and Gulf Shore Drive.

C. Level of Service (LOS): This program will provide resident beach parking passes at no cost to full-time Destin residents, free up beach parking spaces for our residents while providing beach parking options for our visitors and non-residents. Revenues will be earmarked for future parking improvements.

III. CONCLUSION: Staff is prepared to move forward with establishing the paid parking system along Scenic Highway 98/Gulf Shore Drive and launching a free resident parking pass for these areas (ATT4).

Posts and signs will take approximately 7 days to install.

IV. RECOMMENDED MOTION: I move to start the beach paid parking program on June 22, 2020, initiate the free resident beach parking pass program, and amend the parking hours for the beach parking zones to 3:00 AM till 11:00 PM.

Attachments:

1. ATT1_Nov4_2019 Minutes
2. ATT2_Jan_06-2020 Minutes
3. ATT3_April_20_2020 Action Agenda
4. ATT4_Pay to Park Map
5. ATT5_Resident_Beach_Parking_Pass

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 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 Skip Overdier
Councilmember Rodney Braden
Councilmember Chatham Morgan

Destin City Staff

City Manager Lance Johnson
Public Info Officer Catherine Card
Code Compliance Manager Joey Forgione
Community Dev Department Louis Zunguze
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Engineering Assistant II Joe Bodi
Parks/Recreation Director Lisa Firth
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 Todd Walker of the Destin Church of Christ gave the invocation; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

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

1. APPROVAL OF MINUTES

A. Approval of minutes of August 19, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of August 19, 2019 Regular City Council meeting minutes; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

2. PROCLAMATIONS / RECOGNITIONS / SPECIAL PRESENTATIONS / ANNOUNCEMENTS

A. Waste Management/Ronnie Bell Recycling services update for the City of Destin

Mr. Ronnie Bell of Waste Management, Inc. announced that Okaloosa County has entered into a recycling contract with Emerald Coast Utility Authority (ECUA) in Pensacola effective November 1, 2019. It also allowed Destin's and several other local municipalities' recyclables to be delivered to the ECUA facility. He also stated that the new contract does not include any change in cost for customers in Destin. Before the new contract took effect, Destin's recycled items has temporarily been taken to the RePower South recycling facility in Montgomery, Alabama. He added that glass recycling has been an issue but ECUA has an outlet for it and continues to accept it.

B. Updates: Norriego Point Phase III Pearce Barrett, Project Coordinator, FDEP

Mr. Pearce Barrett provided a brief update of the 90 percent plan for the Norriego Point Recreation Enhancement Project and requested some guidance on how to proceed with the plan. He asked whether the City wants to keep the lighting along the boardwalk; noting that both City staff and the City's Parks and Recreation Committee are in favor of it. There is also lighting proposed for the restroom and the pavilion for security maintenance purposes, as well as three dune crossovers. He continued that they could keep all these items in the base bid, or they could make them alternates. There are mandatory facilities such as the boardwalk, restrooms, and the pavilion; and others are optional. If the cost is too high for the base bid, they could ask for additional money from the trustee implementation group to help cover most of cost for these items. He pointed out that the current cost based on the 90% plan is between \$800,000 to \$1 million over the original estimated cost or the budget for the park facility. He asked whether the City will be able to provide additional money to help cover some of the costs if they want all of these items. He continued that once they have all the permits, they will move forward to the 100 percent plan and put the project out to bid; adding that the bidding process could take 2 to 3 months, with construction is estimated at 12 months.

Mr. Barrett also noted that they would build a temporary construction road made of lime rock; and that they could leave the lime rock down if the City plans to proceed with the roadway soon after the park is completed. He stated that temporary road should only stay down for a short period of time before it receives a permanent coating of asphalt; otherwise, it will be overwhelmed with sand creating other problems. They could also put in the contract to remove the lime rock and stockpile it somewhere to be used later on by the City.

Councilmember Ramswell asked why the dune walkovers were being presented as an option. She thought they were part of the conceptual plan and have always been part of the project.

Mr. Barrett explained the dune crossovers have been in the project the entire time; but they are not a specific item. They are making them part of the boardwalk system to protect the dunes.

Councilmember Ramswell pointed out there is currently no electricity on Norriego Point. She expressed concern over putting a transformer above ground when they know the Point is subject to major weather pattern.

According to Mr. Barrett, they must have a transformer for the lighting and the lift station at the restroom. But it would be placed at the end of the current parking area and not way out on the point.

Councilmember Ramswell also noted that the turtles follow the light and that there have some nests at least down on the east side of the Point. She asked how they plan to prevent the light from attracting and confusing these turtles.

Mr. Barrett stated that FWC does not currently consider Norriego Point as a turtle-nesting beach; however, they plan to use an FWC-approved turtle lighting that would not attract the turtles toward the light and confuse them.

Councilmember Ramswell noted that Council had previously discussed the temporary construction road, but no direction had been given to staff.

According to the City Manager, that topic is on the agenda for discussion at the upcoming Council Visioning Session.

Councilmember Destin moved to instruct the FDEP to include in the plan the lighting for the boardwalk, the dune crossovers, electronic lights in the bathroom, and to leave the temporary construction road in place upon completion of the construction. Councilmember Overdier provided a second to the motion.

Councilmember Overdier noted they are already \$800,000 to \$1 million over the original budget estimate for the project. He asked if the City would be forced to cover this amount if they approve the motion adding all the other amenities and the trustee implementation group denies the request for additional funds.

According to Mr. Barrett, the City has no obligation to pay more money for the project. If the trustee implementation group disapproves the request for additional funding, they would simply drop some of the additional items and rebid the project, unless the City agrees to cover a portion of the funding.

Councilmember Menchel asked if additional funding is denied whether downsizing is an option, such as reducing the size of the bathroom.

Mr. Barrett explained that reducing the scope is always an option for any project; however, it would require additional design.

Councilmember Ramswell pointed out that one of the conditions of the development order being approved was the construction of the permanent road as a public benefit. She asked how it will affect the development order if the City decides to build the permanent road.

According to the Community Development Director, there is a development order exemption application in place for the project, and they would need to determine how it would impact the road issues.

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

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

Ms. Carrie Harbarger, a Destin resident, commented on the old CEMEX Plant property that was purchased by the City. She stated that fly ash is dangerous, and the CEMEX Plant was one of the largest producers of fly ash, which is used to strengthen the concrete. The standard report did not indicate there was any chemical tests that have ever been done to this property. She urged the Council to address this issue and conduct additional tests to make sure the property is clean and safe.

Councilmember Ramswell asked what steps are involved in this process.

According to the City Manager, though he was not previously directly involved in the process, it was his understanding they have met all the environmental requirements which is a prerequisite for purchasing the property. He continued he would need to confer with the new City Engineer to determine what additional steps they need to take and come back to Council with his response.

4. CITY MANAGER REPORTS

A. Census Outreach Update

The City's Public Information Manager Catherine Card provided the following update:

On October 21st, Ms. Nisha L. Barron, Partnership Specialist with the U.S. Census Bureau out of the Atlanta Regional Census Center, gave a presentation to Council asking the City of Destin to partner with the U.S. Census Bureau in raising awareness and increasing participation in the 2020 Census. She and Ms. Barron are currently in communication and gathering information to put together marketing materials to promote and encourage the community to participate. The City plans to utilize all social media platforms to market the 2020 Census and post to the City's website. In addition, a 15 second public service announcement will be produced so staff members can relay the 2020 Census information to their patrons who contact City facilities. She has also secured key partnerships with the Okaloosa County Sheriff's Office, the Destin Chamber of Commerce and Destin Water Users to promote the U.S. Census on their social media platforms. Destin Water Users will also include information about the 2020 Census on their billing. Mr. Jim Wood has contacted several community partners from the public, private and faith-based organization. A contact data sheet will be put together to share 2020 Census information, and the City of Destin's strategic partners will also be included.

B. Hwy 98 Irrigation System Update

The City Manager noted that on October 27th City council meeting, the Council requested an update on the status of the irrigation system that services the medians on US Hwy 98, between the Marler Bridge and Airport Road, as well as the irrigation system on Mountain Drive. He stated there are currently two pumps on US Hwy 98 that are operational but are turned off because of the 3R project. The rest of the pumps are currently inoperable. The pump system on Mountain Drive is working, but there is damage to the system itself. They could perform a temporary maintenance on the system, which would cost approximately \$5,000; but it would require a complete overhaul of the system to make it is functioning properly.

Public Services Director Michael Burgess noted that the City's irrigation contractor, Gulf Coast Environmental, is putting together a quote for the City.

Councilmember Ramswell suggests putting a process in place to have someone conduct a regular inspection of the irrigation system to identify those parts that are broken or inoperable to hold people accountable, if necessary, and avoid any major problems from occurring.

The City Manager noted that as part of the contract for the median right-of-way, the contractor performs monthly inspections of the systems. In the most recent version of the contract, the inspector will be accompanied by a staff member to verify what is being written down during the inspection. He added that inspections have not been conducted in a while because of the 3R project.

Councilmember Menchel wants to know how FDOT was able to identify \$1.61 million for the landscaping restoration when the landscaping plans have not been created.

Mr. Burgess explained that FDOT created the landscaping restoration project in that amount and that the TPO has programmed it into their future budget.

Councilmember Braden would like to see a copy of the landscaping plans, from Marler Bridge to Airport Road, once they become available.

C. Development Review System Software Update

Deputy City Manager Webb Warren announced that the Energov Project has officially began last week. Representatives from the Community Development Department, City Manager's Office, IT, Finance, Clerks and Code Compliance departments have worked closely with the Energov Project Manager for 3 straight days to learn the system and the result was very positive. According to the Project Manager and Implementation Manager, this group was one of the most prepared groups that they have ever encountered.

D. Paid Parking Update: Existing Lots and Proposed Lots in Crystal Beach and Gulf Shore Drive Areas.

Deputy City Manager Webb Warren and Finance Director Bragg Farmer provided the following presentation:

- Paid Parking Transaction Count
 - ❖ 2017
 - Marler Parking Lot – 3178
 - Community Center Parking Lot – 0
 - Zerbe Parking Lot – 0
 - ❖ 2018
 - Marler Parking Lot – 6900
 - Community Center Parking Lot – 4348
 - Zerbe Parking Lot – 7192
 - ❖ 2019
 - Marler Parking Lot – 4785
 - Community Center Parking Lot – 8730
 - Zerbe Parking Lot – 7123
- Parking Net Revenue
 - ❖ 2018 – \$41,321
 - ❖ 2019 – \$70,774
 - ❖ Total: \$112,095
- Proposals from Parking RFP
 - ❖ 4 proposals received
 - ❖ 2 proposals for lot entrance/exist rails
 - Orbility 128,614
 - Gorrie Regan and Asso. \$332,204 (TIBA Equipment)
\$484, 659 + 6% per trans
(ZIP by Equipment)
\$214,338 + 660/month
(Hectronic Equipment)
- 2 proposals proposed to Operate the lots:
 - ❖ Premium Parking – 50/50 revenue sharing + additional fees for credit card usage
 - ❖ Florida Parking Co. – Year 1-4 25/75 or until expense is recouped yeas 5 5050
- Why Create Short-Term Paid Parking in Beach Areas?
 - ❖ Maximize availability for beach goers to have parking spaces to access beach parks
 - ❖ Minimize long-term parking overflow from residential rentals consuming beach parking spaces
 - ❖ Create dedicated revenue stream for parking improvements
- Proposed Parking Areas in Destin
 - ❖ Crystal Beach – Scenic 98 Drive (East) – Parallel Parking – 13 spaces
 - ❖ Crystal Beach – Scenic 98 Drive (Central) – Parallel Parking – 24 spaces
 - ❖ Crystal Beach – Scenic 98 Drive (West) – Parallel Parking – 22 spaces
 - ❖ Gulf Shore Drive – Parallel Parking – 70 spaces
- Paid Parking Spaces
 - ❖ Marler Street
 - Capacity – 175

- Proposed Beach Areas – Crystal Beach
 - Capacity – 65
 - ❖ Community Center
 - Capacity – 83
 - Proposed Beach Areas – Holiday Isle
 - Capacity – 70
 - ❖ Zerbe
 - Capacity – 91
 - ❖ Peer Cities – Beach Parking Prices
 - Deerfield Beach, Florida
 - \$3.00/hour, Monday-Friday
 - \$4.00/hour – Weekends
 - Panama City Beach, FL
 - \$5.00 /24 hours
 - Hollywood, Florida
 - \$2.00-\$4.00/hour
 - Gulf Shores, AL
 - \$5.00/4 hours-or-\$10/day
 - ❖ Miami Beach, Florida
 - \$2.00/hour
 - ❖ Clearwater, Florida - \$3.00/hour
- Proposed Actions
- ❖ Staff's Recommendation
 - Continue to use the current paid parking app on all current lots and convert parking spaces in Crystal Beach and on Guff Shore Drive to paid parking at \$5.00 for 5 hours
 - Additional Cost – Minimal-new signage and striping
 - Net Revenue - \$150,000-\$175,000
 - Convert the 3 current lots to an entrance/exit rail system and use the paid parking app for the 2 proposed parking areas
 - Additional Cost – \$128,614 - \$484,659 +
 - Net Revenue - \$150,000-\$175,000
 - Contract with one of the parking management companies for all parking systems
 - Additional Cost – 25%/ 75% to 50% / 50% sharing
 - Net Revenue - \$37,000-\$75,000
 - Have staff research additional parking app systems to find the best parking app that will best meet the needs of the City
 - Additional Cost – Unknown
 - Net Revenue - \$150,000 - \$175,000
- Resident Passes - Options
- ❖ Tie in residential passes to existing Henderson Beach Pass system
 - Combined beach pass would be good for Henderson and Paid Beach Parking
 - Full time residents would be eligible and affixed to vehicle
 - Simple roll out

❖ Passport System

- Available but must be managed by City staff

Councilmember Morgan stated that he would like to implement the resident passes but not in the harbor district. The City permitted several huge restaurants and other businesses in the harbor district with inadequate parking and with no parking available for their employees on their property. As a result, the City parking lots have turned into employee parking lots. He continued that the City should not be in the business of subsidizing irresponsible businesses. He added he would not support implementing paid parking in the harbor district, but he would support having time limits on paid parking in other parts of the City.

Councilmember Braden expressed that having paid parking at Crystal Beach is subsidizing parking for short-term rentals.

Councilmember Marler noted that when the boardwalk was built in 2008, various easements were provided by business owners. The City promised to provide extra parking for these businesses. He also stated that the City was going by the existing code at the time they permitted the businesses on the harbor. He recommends building parking garages on properties they already own and working with the harbor businesses to come up with adequate solutions to their problems.

Councilmember Ramswell asked why Restaurant Row was not incorporated into the study.

According to Mr. Warren, they plan to bring that back at a separate time because they need some clarifications on some of the public parking spaces at that area.

Councilmember Morgan stated that their beach situation is so terrible that tourists and residents alike are fed up with it; and that he feels the paid parking system will just be adding insults to injury.

Councilmember Ramswell moved to direct the City Manager to continue with the current paid parking app system in City parking lots and add the parking in Crystal Beach and Gulf Shore drive as short-term parking with the rate of \$5.00 per 5 hours, and with no parking from dusk to dawn; and that they also provide passes to residents; seconded by Councilmember Braden.

Council members Menchel and Marler both feel that prohibiting parking from dusk to dawn is unenforceable as no Code Compliance officers are on duty during those times.

The City Manager noted that discussions regarding extending the hours for the Code Compliance Department is on the agenda for the upcoming Council Visioning Session. He also stated that the City has always has a no parking overnight policy at their parks; and that the Sheriff's Office recommends they keep it that way because seeing cars parked in these parks after dark gives them a reason to ask individuals to leave the park at that point.

The Mayor called for a vote on the motion, which passes 4-3 (Council members Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Morgan, Destin and Marler voted "no").

E. Airport Road Update

According to Mr. Burgess, the FDOT District Secretary Gainer is asking for a letter and a resolution from the City requesting termination of the current Local Agency Program (LAP) Agreement; and that draft copies of both documents have been provided to the Council for their consideration.

Councilmember Overdier moved for approval of Resolution 19-28 and authorize the Mayor to sign the letter requesting the termination of the current design Local Agency Program Agreement; seconded by Councilmember Destin.

Councilmember Menchel noted that Public Works/Safety Committee has been discussing this project for nearly 6 years. As the committee's chairman, he went before the Council nearly 2 years ago and recommended the installation of temporary guardrails because of all the wrecks and injuries that had taken place at this section of Airport Road and his recommendation was unanimously approved. At the time, City staff informed him installing the temporary guardrails would compromise the grant. He then contacted FDOT and was able to obtain in writing that the City could install the guardrails without compromising the grant. However, in August this year, the City sent a letter to FDOT telling them they were unable to complete this project. City staff then reported that FDOT has agreed to handle this project. However, the letter they received from FDOT regarding this subject did not even identify the project correctly; furthermore, the letter states that this project is currently not on their agenda and not budgeted. Therefore, they have no idea when FDOT will go forward with this project.

Councilmember Menchel offered a substitute motion to move forward with installing temporary guardrails on Airport Road, as a temporary measure until FDOT decides to move forward with the project; seconded by Councilmember Destin.

Councilmember Braden suggests they specify location of the guardrails; adding it should be place in the middle to keep cars from crossing the median, and in the north curve to keep people from hitting the airport.

Councilmember Menchel amended his substitute motion to move forward with installing a temporary guardrail on Airport Road, placing it in the median and in the north curve, as a temporary measure until FDOT decides to move forward with the project; seconded by Councilmember Destin.

The Mayor recommends they determine the cost for the guardrail before they adopt such a motion.

The City Manager offered to bring back a cost estimate for the guardrail.

Councilmember Menchel noted they previously offered several suggestions for funding the guardrail including reaching out to the County to see if they would agree to partner with the City because there have been so many damages done to the airport which is County property.

Councilmember Ramswell noted there have been many accidents, some of them fatal, that had occurred on that curve; and that over the years they have made it clear they wanted something done to improve safety on that road.

Councilmember Marler opined that the guardrail is more of a hazard and could result in more serious accidents or fatalities. He stated that most of the accidents on that curve were caused by people over speeding.

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

Councilmember Morgan stated that he would like to make the recommended motion to turn the project over to FDOT.

Councilmember Morgan moved for approval of Resolution 19-28 and authorize the Mayor to sign the letter requesting the termination of the current design Local Agency Program Agreement; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

F. Little League Batting Cage Update

Parks and Recreation Director Lisa Firth noted that the City Engineer is currently working with the Little League on the design for the batting cage at Threadgill Park; adding they would like for the cages to be built in time for the March Little League season.

G. FAA/Drones Coordination

Program Information Manager Catherine Card announced that City staff is in communication with Mr. Richard Henry, FAA Safety Team Program Manager. Staff is reviewing the government and public operations information that has been provided by Mr. Henry. She has also been gathering public information material from the FAA to help create awareness for operation of drones within the City limits of Destin. Staff is working to ensure that any public information on drones is consistent with FAA's public information and regulations. City staff is coordinating with the FAA to establish a schedule for them to host a public town hall meeting as well as meet with law enforcement, code compliance officers and elected officials to discuss drone safety and reporting as well as create public awareness of drone safety for the community and visitors. As soon as the FAA makes a firm commitment on a travel schedule, staff will bring back a firm schedule for any town hall or public safety meetings.

H. Enhanced Public Records Policy

Councilmember Destin expressed his full support of the policy. He stated that to ensure full compliance with Chapter 119, Florida Statutes and increase efficiency, the City has recently undergone an extensive process involving the digitization of its records. This resolution furthers the City's goals of transparency and efficiency by strengthening and consolidating its public records, records retention and records disposition policies into a single document.

Councilmember Overdier moved for approval of Resolution 19-27 and adopt the enhanced public records, records retention, and records disposition policy attached to Resolution 19-27, exhibit "A"; seconded by Councilmember Destin. Motion passed 6-1 (Council members Morgan, Destin, Marler, Overdier, Ramswell and Braden voted "yes"; Councilmember Menchel voted "no").

I. Code Compliance Yearly Update

Code Compliance Manager Joey Forgione provided the following Code Compliance 2019 statistical review and analyses:

- Total Code Files and Activities
 - ❖ 2018
 - Code Files – 2586
 - Code Activities – 4640
 - ❖ 2019
 - Code Files – 4665
 - Code Activities – 6693
- Code Statistics
 - ❖ Registrations – 1894 – 38%
 - ❖ Cases – 2746 – 62%
- Registrations – Total: 1894
 - ❖ Short-Term Rentals – 1010 – 53%
 - ❖ Livery Vessels – 450 – 24%
 - ❖ Long-Term Rentals – 393 – 21%
 - ❖ Beach Vendor – 41 – 2%
- Code Compliance Statistics
 - ❖ Notices of Violation – 302
 - ❖ Notices of Hearing – 81
 - ❖ Orders Imposing Fine/Lien – 6
 - ❖ Compliance Rate – 98.01%
- Code Citations – 169
 - ❖ Warnings – 163
 - ❖ Monetary – 6
 - ❖ Compliance Rate – 96.45%
- Parking Violations by Location
 - ❖ South of Hwy 98 – 1310 – 85%
 - ❖ North of Hwy 98/Residential – 240 – 15%

- Parking Violations – 1550
 - ❖ Short-Term Rentals – 1117 – 71%
 - ❖ Beach Access – 207 – 13%
 - ❖ Residential – 240 – 16%
 - ❖ Warnings Issued – 1536 – 99%
 - ❖ Parking Citations – 14 – 1%
 - ❖ Compliance Rate – 99%
- Trash Violations – 243
 - ❖ South of Hwy 98 – 200 – 82%
 - ❖ North of Hwy 98 – 43 – 18%
- Noise Violations – 33
 - ❖ South of Hwy 98 – 14 – 43%
 - ❖ North of Hwy 98 – 10 – 30%
 - ❖ Short-Term Rentals – 9 – 27%
- Stop Works – 198
 - ❖ South of Hwy 98 – 112 – 57%
 - ❖ North of Hwy 98 – 86 – 43%
- Sign Complaints – 553
 - ❖ Signs Collected – 235 – 42%
 - ❖ Miscellaneous Sign Violations – 213 – 39%
 - ❖ STR Sign Violations – 105 – 19%
- Sheriff's Office – 908 Reported Violations
 - ❖ Noise violations – south of Hwy 98 – 308 – 35%
 - ❖ Noise violations – north of Hwy 98 – 125 – 14%
 - ❖ Noise violations – STR – 206 – 23%
 - ❖ Parking violations – south of Hwy 98 – 100 – 11%
 - ❖ Parking violations – north of Hwy 98 – 86 – 10%
 - ❖ Parking violations – STR – 63 – 7%
- Beach Vendor Registrations
 - ❖ 31 businesses / 41 locations
- Beach Compliance – 513
 - ❖ Residents/Visitor complaints about vendors – 200 – 39%
 - ❖ Violation of 20 feet warnings – 130 – 25%
 - ❖ Parking violations – 91 – 18%
 - ❖ Glass on beach warnings – 18
 - ❖ Dogs on beach warnings – 20 – 4%
 - ❖ Soliciting on beach warnings – 17 – 3%
 - ❖ No vendor permit citations – 5 – 2%
 - ❖ Removal of sea oats warning – 10 – 2%
 - ❖ Fire on beach warnings – 10 – 2%
 - ❖ Violation of 20 feet citations – 6 – 1%
 - ❖ Violation of wheeled vehicle citations – 6 – 1%
- Beach Citations – 15
 - ❖ Warnings – 10
 - ❖ Monetary – 5
 - ❖ Compliance Rate – 50%

- Challenges
 - ❖ Beach Management Ordinance - 20' Mean High Water Line
 - ❖ Ropes and Permanent Signage
 - ❖ Violations of Beach Management Ordinance
 - ❖ Lack of education of guests, property owners, management companies and beach vendors
- Recommendations
 - ❖ 20' from water's edge
 - ❖ Limit ropes
 - ❖ No permanent signage allowed
 - ❖ Violations of Beach Management Ordinance needs to go to property owners
 - ❖ More education of guests by management and Code Compliance
 - ❖ More education of management companies, property owners and beach vendors
- Livery Vessels Registration
 - ❖ Vessels in Okaloosa County
 - Total Registered – 18,924
 - Destin Livery Jet Skis – 225
 - Destin Livery Pontoons – 225
- Business Tax Receipts in Harbor Area
 - ❖ Livery Vessels – 20 – 3%
 - ❖ All Other Businesses – 680 – 97%
- Livery Vessels by Type
 - ❖ 2018
 - 18 – businesses
 - 245 – pontoons
 - 169 – Jet Skis
 - Registration Fees - \$28,500
 - ❖ 2019
 - 20 – businesses
 - 225 – pontoons
 - 225 – Jet Skis
 - Registration Fees - \$30,125
- Harbor Waterways – Total Activities – 1029
 - ❖ Report of sewage – 3
 - ❖ Noise complaints – 5
 - ❖ Commercial activity from residential properties – 8
 - ❖ Abandoned Vessels – 4
 - ❖ Transient boat slips violations – 10
 - ❖ Dog warnings at Norriego Point – 26
 - ❖ Parking violations – 165
 - ❖ Idle speed zone warnings – 275
 - ❖ Livery vessel inspections – 90
 - ❖ No BTR citations – 48
 - ❖ No BTR second citation – 17
 - ❖ Warnings for no registration – 88

- ❖ Fine for operating without registration – 1
- Challenges
 - ❖ Identify cars parked in spaces belongs to a business
 - Mark each parking space for which business on property
 - Mark each parking for which businesses shared parking agreements
 - ❖ Moving targets
 - Do not have the statutory powers to pull over vessels
 - ❖ Vessels rentals from outside of City's jurisdiction coming into Destin waterways
 - ❖ Privately owned vessels coming into waterways
 - ❖ Capt. Vessels rentals do not register
 - ❖ Manpower
- Items Noted for Next Season
 - ❖ Follow through with:
 - Quality of submittal
 - Quality of review
 - Review all businesses on property for total count
 - ❖ Engineer/Scale parking drawings submitted from property owner
 - ❖ Engineer fuel plans
 - ❖ Signs marked for parking spaces with times (all businesses)
 - ❖ Register captained pontoons
 - ❖ Not allow storage of excess inventory on property
- Short-Term Rentals
 - ❖ Grandfathering applications
 - Issued – 202
 - Modified Issued – 36
 - Pending Approval – 15
 - Denied – 2
 - Refunded – 9
 - ❖ STR Registrations
 - Currently – 1010
 - Notices of Violations – 46
 - Projected – 1056
 - ❖ Rental Registrations
 - Short-Term – 1010 – 72%
 - Long-Term – 393 – 28%
 - ❖ STR Notices of Violations Compliance Rate – 98.72%
 - Notice of Violations – 156
 - Voluntary Compliance – 153
 - Daily Fine/Lien – 3
 - ❖ STR Parking Enforcement – 1117
 - Warnings Issued – 1103 – 99%
 - Citations – 14 – 1%
 - Compliance Rate – 99%
 - ❖ STR Activities – 2340
 - Events 10 – 0%

- Parking citations – 14 – 1%
 - Parking warnings – 1103 – 47%
 - Sign inspections – 867 – 37%
 - Trash violations – 182
 - Notice of violation – 154 – 7 %
- ❖ Sheriff's Office STR Complaints – 269
 - Noise violations – 206 – 77%
 - Parking violations – 63 – 23%
- Challenges
 - ❖ After hours emergency contacts
 - ❖ Excess trash
 - ❖ Turnover days trash
- Recommendations
 - ❖ Number for emergency contact only/should be answered 24/7
 - ❖ Explore properties to acquire more cans by floor or bedrooms
 - ❖ Require properties to have special trash pick-up on turnover days
- Department Challenges
 - ❖ Identifying unregistered STRs
 - ❖ Decal ID for each property
 - ❖ Lost decals
 - ❖ Tracking events
 - ❖ Identify change of ownership/management
 - ❖ Parking violations
- Recommendations
 - ❖ Continue search through websites
 - ❖ Each decal has registration number assigned to property
 - ❖ Fee of \$25 for replacement decal
 - ❖ Evening and weekend shift can assist in tracking events
 - ❖ Search property appraisers, track sign and website changes
 - ❖ More education of guests by management and Code Compliance
- Department Challenges/Needs
 - ❖ One vehicle is over 15 years old
 - ❖ Manpower
 - Evening coverage
 - Weekend coverage
 - Shift rotation
 - ❖ Rank structure
 - ❖ Clarify of code
 - ❖ Complaints
- Recommendations
 - ❖ Flush out vehicles 15 years or older
 - ❖ Must show professionalism
 - ❖ Change Code Compliance hours of operation
 - Day shift change 6 AM TO 3 PM or 7 AM to 4 PM
 - Evening shift – 2 PM to 11 PM or 3 PM to 12 AM
 - ❖ Evening shift will cover weekends – 2 PM to 11 PM
 - ❖ Shift rotations every 3 months

- ❖ Senior Code Compliance Officer will report to Code Compliance Director/Chief
- ❖ Create divisions (Registration Division and Operations Division)
- ❖ Follow recommendations for all registrations

Councilmember Menchel recommends they explore the possibility of having a Code Compliance officer working past midnight; stating that a lot of violations occur after the midnight hours.

Councilmember Overdier noted that the situation at Crystal Beach is very much out of control as he witnessed this past summer when he rode along on the beach with a Code Compliance officer. One visitor complained to him about spending a lot of money renting a home but unable to find a place to go on the beach; with all the chairs, umbrellas, chains and ropes set up on the beach. He added that visitors will stop coming to Destin if this situation does not change.

Councilmember Overdier move to instruct the City Manager to direct the Code Compliance Department to work with the Land Use Attorney to develop some solutions to the challenges and implement the recommendations that have been identified. Councilmember Menchel provided a second to the motion.

Councilmember Marler stated that for the safety of their Code Compliance officers who are unarmed, they should consider reactivating their radio frequency so they could immediately notify the Sheriff's Office in case of an emergency.

According to Mr. Forgione, the Sheriff's Office is going into a new system. They will engage them on this issue once the new system has been activated. In the meantime, a Code Compliance officer working the evening shift will not go into a house without an escort from a Sheriff's deputy.

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").

J. Announcements:

The City Manager made the following announcements:

- Offices closed Monday November 11th in observance of Veteran's Day.
- Visioning Session: Thursday November 7th, 2019 at the Destin Community Center
- Roadway Redesign Project: Staff requested cost estimates from our interested continuing services Engineering contractors. This information will be brought back to council for direction at the next available meeting after securing the information.
- He would like to use 3 days' vacation the week of Thanksgiving.

5. PUBLIC HEARINGS

- A. Second reading of Ordinance 19-11-CC - Amends the Election Day for the City of Destin

The City Attorney read proposed Ordinance 19-11-CC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA RELATING TO ELECTION DAY; PROVIDING FOR AUTHORITY; PROVIDING FOR THE AMENDMENT OF THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS BY AMENDING SECTION 9-4 ELECTION DAY; PROVIDING THE ELECTION DAY FOR COUNCIL MEMBERS AND MAYOR TO BE HELD ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY OF NOVEMBER IN EACH EVEN-NUMBERED YEAR; PROVIDING FOR REAFFIRMATION OF THE CANDIDATE QUALIFYING DATES PROSCRIBED BY THE CODE OF ORDINANCES CHAPTER 9 ELECTIONS, SECTION 9-8 CANDIDATE QUALIFYING DATES; PROVIDING FOR INCORPORATION INTO THE CODE OF ORDINANCES; 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 portion of this item and turned the matter over to the City Council for discussion and consideration.

Councilmember Destin moved for approval of Ordinance 19-11-CC on second reading; seconded by Councilmember Ramswell. Motion passed 6-1 (Council members Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Morgan voted “no”).

- B. First reading of Ordinance 19-32-LC - Relating to changes to the Zoning Map, which changes the zoning of two parcels from Institutional (INST) and Medium Density Residential Village (MDRV) to Residential, Office Institutional Village Residential (ROIVR).

The City Attorney read proposed Ordinance 19-32-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PROPERTIES DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM INSTITUTIONAL (INST) AND MEDIUM DENSITY RESIDENTIAL-VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; 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 portion of this item and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Braden, seconded by Councilmember Ramswell, to approve Ordinance 19-32-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. First reading of Ordinance 19-33-LC Relating to changes in the Zoning Map, which changes the zoning of one parcel from Residential, Office, Institutional-General Development (ROI-GD) and Medium Density Residential-Village (MDR-V) to Residential, Office Institutional-Village Residential (ROI-VR).

The City Attorney read proposed Ordinance 19-33-LC by title, and then presented it to the City Council on second reading.

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING THE OFFICIAL ZONING MAP AS REFERENCED IN THE LAND DEVELOPMENT CODE, SECTION 7.12.01(A)2 ZONING MAPS TO INCLUDE A CHANGE IN THE ZONING DESIGNATION OF THE PARCEL DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE AND INSTITUTIONAL-GENERAL DEVELOPMENT (ROI-GD) AND MEDIUM DENSITY RESIDENTIAL- VILLAGE (MDR-V) TO RESIDENTIAL, OFFICE AND INSTITUTIONAL-VILLAGE RESIDENTIAL (ROI-VR); PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR ZONING MAP AMENDMENT; 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 portion of this item and turned the matter over to the City Council for discussion and consideration.

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve Ordinance 19-33-LC on first reading passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

D. Kimley-Horn, on behalf of Kahuna Property, LLC is requesting approval of a Major Development Order and Major Subdivision identified as “The Charles.” The proposed development consists of 192 multifamily units. The proposed project is generally located east of Big Kahuna’s Water Park, and west of Airport Road, addressed as 1021 U.S. Highway 98. The total site area is 11.54 acres, more or less.

The City Attorney sworn in the following individuals for testimony:

Louis Zunguze, Community Development Director
Joe Bodi, Engineering Assistant II
Cameron Snipes – Project Engineer
Chip Dillard – Project Developer

Parke Lammerts – Project Developer

Mr. Cameron Snipes, project engineer, presented the project, stating that it is a 192 multi-family unit subdivision. It is approximately an 8-acre project. They will be dedicating an 80-foot right-of-way with roadway to the City of Destin as part of this project. The project was rezoned approximately 12-16 months ago.

Councilmember Ramswell stated it is hard for her to believe the Mattie Kelly Road they are putting will not impact US Hwy 98 as indicated by the Traffic Concurrency Study.

Mr. Snipes noted they are working with FDOT and City staff on this matter. There is a right-turn lane that will be added as part of this project, which goes along with the level of service standard that deals with the traffic.

Councilmember Ramswell asked if it is customary to do a traffic study before and another one after development.

According to Mr. Zunguze, there are phases of their review that require that process to verify every assertion they are making.

Councilmember Braden asked if they are still planning on putting a retail store on the 1.17-acre lot in the section in front on Hwy 98.

Mr. Chip Dillard, project developer, stated it is still the plan, but it is not part of this development order.

Councilmember Ramswell asked that for the front section that could be developed whether the density is already utilized for the main complex.

Mr. Zunguze noted that when Council approved the rezoning of this parcel, they held the total zoning for the 11-acre parcel to 192 units; therefore, that front section cannot be used for residential development. It would have to be for some other allowable use.

At this time the Mayor asked if any member of the public wishes to comment on the proposed development. Hearing none, the Mayor turned the matter over to the City Council for their consideration.

Councilmember Ramswell moved for approval of the Major Development Order and Major Subdivision identified as “The Charles”; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. *CONSENT AGENDA

A. Membership Appointment Destin Youth Council

Motion by Councilmember Destin, seconded by Councilmember Marler, to approve Consent Agenda item 6A, 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 (No public comments)

A. Councilmember Braden

Councilmember Braden requested an update on the undergrounding of utilities on US Hwy 98.

Councilmember Destin noted there is public meeting with Gulf Power scheduled for November 19th, beginning at 1:30 PM at City Hall, and this is one of the topics that will be discussed.

Councilmember Braden wants to know the reason they are cutting down large Crepe Myrtle trees on US Hwy 98 and a large grapefruit tree at the Old Campground.

Mr. Burgess stated there have been repeated requests to trim those trees located in front of Crackel Barrel. The Deputy Director of Public Services decided to go ahead and cut them down, which is against City policy. It has been addressed. They have put in new processes to make sure it never happens again. The grapefruit tree was cut down for safety reason. There were some concerns for pedestrian and bicycle safety as fruits were being dropped on the sidewalk.

Councilmember Braden requested an update on the hiring of a grant writer for the City.

The City Manager stated that the job description has been written and they plan to advertise the position this week.

Councilmember Braden noted they have previously discussed moving the Engineering Division from Public Services Department to the Community Development Department. He would like to know if there is a consensus of the Council with regards to this matter.

The City Manager stated they have just hired a City Engineer within the past 4 weeks. He is currently weighing all the facts to determine if it would be a good idea to move that position under the Community Development Department; adding he would need some time to do some logistical planning and discuss this matter with the department directors that will be impacted by this move.

Councilmember Braden moved to place the Engineering Division under the Community Development Department; seconded by Councilmember Menchel.

Councilmember Ramswell asked for Mr. Zunguze's opinion on the matter.

Mr. Zunguze noted that when he started work as the City's Community Development Director, one of the things he and the City Manager discussed is the best operational configurations of the department; and that one of the things that were identified was placing the City Engineer Division under the Community Development Department. He continued that the key core functions of the development review are planning and zoning services, building services, and engineering services. To ensure optimum efficiency in terms of timeliness of decision making and delivery of service and streamlining processes, it would be necessary to put all these services under one management.

Councilmember Marler stated this is strictly a City Manager decision; and that he should be given enough time to make that decision.

Councilmember Menchel recommends giving the City Manager by the end of the year to do the logistical planning; adding they should include a date certain to avoid talking about this issue repeatedly.

Councilmember Destin stated if they go forward with the move, they would be putting additional responsibility on Mr. Zunguze. He recommends amending the motion to include a parameter that gives the City Attorney and City Manager the ability to pay Mr. Zunguze more money.

Councilmember Braden offered an amended motion to place the Engineering Division under the Community Development Department and to give the City Manager 30 days to do the logistical planning; and to include a parameter that gives the City Attorney and City Manager the ability to pay Mr. Zunguze more money for this added responsibility. Councilmember Menchel provided a second to the motion.

Councilmember Ramswell noted that salary increase for department heads is a City Manager decision according to their City Charter.

The City Attorney stated that the motion does not mandate a salary increase; it merely gives the City Manager the ability to consider it.

Councilmember Morgan would like to see a formal agenda item on this matter and not give the City Manager a time constraint to decide.

Councilmember Braden stated that if things are not accomplished within 30 days, he would expect the City Manager to come back and request additional time, which would surely be granted.

Councilmember Morgan stated they should at least approve a motion to set aside the order of the day before voting on this issue.

Motion by Councilmember Destin, seconded by Councilmember Menchel to set aside the order of the day and vote on the issue at hand passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

The Mayor called for a vote on Councilmember Braden's motion, which passes 5-2 (Council members Destin, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Morgan and Marler voted "no").

Next, Councilmember Braden requested an update on the Heritage Park.

The Land Use Attorney stated that she is working on the language that was discussed at the previous meeting with the US Treasury, and that the City Manager has directed the new City Engineer to work on the scope of services for the RFP package.

B. Councilmember Ramswell

Councilmember Ramswell requested that the possibility of forming a Beach Committee made up of vendors, residents, code compliance officer, a Council member and the Land Use Attorney be placed on the next Council meeting agenda for discussion.

C. Councilmember Menchel

Councilmember Menchel asked staff to notify FDOT that the blinking yellow/red light at the US Hwy 98 and Triumph Road serves no real purpose and needs to be turned off.

Councilmember Menchel inquired as to the status of the generator contract.

Mr. Burgess noted there is a bid opening for the generator contract this coming Thursday, November 7th.

Councilmember Menchel inquired as to the extent of the damage to the City Hall generator which is currently under repair.

Mr. Burgess explained that the generator is monitored remotely by RONCO. It threw some trouble codes and it was determined that the head gasket had blown, and coolant has gotten into the engine.

Councilmember Menchel asked if they have anything in place whereby somebody from staff verifies that the required work in any of their contracts is actually being accomplished.

Mr. Burgess replied they have processes in place for verification of the work being completed, such as for the sidewalk installation, before they would pay an invoice. They have staff members that accompany the contractors, and they also have staff members that do independent audits and inspections. Once a work is finished, the Deputy Public Services Director approves payment of the invoice by placing his initials on it indicating he has physically verified that the work has been done.

- D. Councilmember Overdier**
- E. Councilmember Marler**
- F. Councilmember Destin**
- G. Councilmember Morgan**

H. Mayor Gary Jarvis

Mayor Jarvis noted that it is daylight savings time and it gets dark early. He asked staff to make sure the lights in the dog park are lit as soon as it gets dark.

I. Land Use Attorney

The Land Use Attorney stated they have a significant number of Bert Harris claims. The Mayor suggested they hold a special Council meeting instead of the regular Council meeting to discuss settlement for these cases. She asked if the Council is amenable to scheduling that meeting on December 9th.

It was the consensus of the Council to schedule a Special City Council meeting on Monday, December 9, 2019, to discuss all the Bert J. Harris cases

J. City Attorney

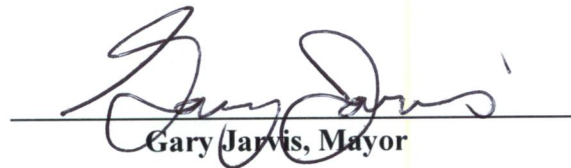
8. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 9:15 PM.

ATTEST:

A blue ink signature of Rey Bailey, consisting of a stylized 'R' followed by a horizontal line.

Rey Bailey, City Clerk

A blue ink signature of Gary Jarvis, consisting of a stylized 'G' followed by a horizontal line.
Gary Jarvis, Mayor

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
JANUARY 6, 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 Kevin Wendt from Grace Lutheran Church gave the invocation, and then followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Councilmember Ramswell requested that Consent Agenda 6C be pulled for discussion.

Motion by Councilmember Marler, seconded by Councilmember Overdier, 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 October 7, 2019 Regular City Council Meeting

Councilmember Marler moved for approval of minutes of October 7, 2019 Regular City Council meeting; seconded by Councilmember Overdier. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

B. Approval of minutes of October 21, 2019 Regular City Council Meeting

Motion by Councilmember Marler, seconded by Councilmember Overdier, to approve minutes of October 21, 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. Recognition of 2019 Holiday Decorating Contest Winners

The Mayor announced and presented a plaque to the following 2019 Holiday Decorating Contest winners:

- | | |
|--------------------------------|--------------------------------|
| ➤ Best Decorated Home: | Jim and Barbara Telford |
| ➤ Best Decorated Business: | Burrito Del Sol |
| ➤ Best Decorated Organization: | Corpus Christi Catholic Church |
| ➤ Best Overall Holiday: | Stephen and Teresa Hebert |
| ➤ Best on the Harbor: | Emerald Grande |
| ➤ Best Decorated Condominiums: | Holiday Isle Towers |

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

Mr. Ed Rogers, a Destin resident and business owner, addressed the letter from the City Manager to the City Council dated December 11, 2019, requesting direction regarding the proposed changes to livery vessel and marine construction requirements. He asked the Council to get the livery vessel operators involved in the decision-making process and not provide any direction to staff without considering their input. He stated he had a very productive meeting with Mr. Zunguze, the Community Development Director, following the previous City Council meeting; and that he feels they could have a give and take relationship and move forward in a positive direction. He added that the City should first learn how they operate their business before adopting an ordinance that could negatively affect them and put them out of business, which then leaves them no other choice but to litigate.

Councilmember Braden stated that he finds no reason why the livery industry's direct participation in this process is necessary; adding that they have always allowed and encouraged everyone to voice their opinion before the Council makes any decision.

Councilmember Destin asked the City Manager and Land Use Attorney if they could schedule an open meeting with the livery vessel operators and discuss some of the obstacles and possibly resolve some of these issues and progress toward an agreement before scheduling a public hearing for the adoption of the ordinance.

According to the Land Use Attorney, the livery vessel ordinance is scheduled to go before the Local Planning Agency (LPA) on January 16th, and then to the City Council in February, and all those meetings will have public hearings. However, they could also delay presenting the ordinance

to the LPA and staff could schedule an open meeting with the members of the industry since there is no legal requirement for an open meeting with staff as long as it does not involve the City Council or any of the committees or boards. Following that, the public could also provide comments at the LPA meeting. The LPA will review all the substantial evidence available and then make their recommendation to the City Council.

Mr. John Fuller, a Destin resident and business owner, stated that not everyone on the harbor is being required to follow the same rules; and that he feels the livery industry is being singled out. They are being required to fill out a renewal application every year to include engineering designs and specifications, which are usually required only when they initiate their business. He now has to hire an accountant and an attorney just to fill out all the paperwork. He continued they should only have to pay the annual renewal fee and not have to go through all sorts of new regulations. He added that he runs a first class operation and he just want fair treatment for everybody.

Mr. Ron Sandstead, a Destin resident and business owner, expressed his gratitude to the City Council and staff for allowing them the opportunity and for all their assistance in the placement of the arts banners on Main Street. He proposes placing more banner poles in Destin, especially on Airport Road. He continued they will have a silent auction in two weeks selling off original artwork at La Paz Restaurant, and that proceeds could go towards payment for new banner poles on Airport Road.

Councilmember Menchel asked whether City staff foresee any problems with placement of new banner poles on Airport Road.

According to the City Manager, they would need to coordinate this matter with the engineers to make sure they cover all the details such as wind loads, which is similar to the process they used on Main Street.

Ms. Carrie Harbarger, a Destin resident, asked why a business with insufficient parking, even for their employees, is allowed to operate in Destin.

The Land Use Attorney stated she does not know the specific property being referenced in this case, and she would not want to speak on somebody's private property which could result in code enforcement quasi-judicial hearing. However, she would be willing to discuss this matter with Ms. Harbarger after the meeting.

Councilmember Braden noted that this particular business conducted their own parking study, submitted it to the City and the City adopted it in their development order without sufficient parking.

Ms. Marcie Bell, a Destin resident and former member of the Short-Term Rental Task Force, noted she has resigned her position at the Short-Term Rental Task Force because she feels she could serve the City better by functioning as a regular citizen. She stated that the Task Force was not looking to amend the ordinance, but to simply include additional comments to the short-term rental application form. She also stated that trash can was such a big issue that the proposal to require one can for every 6 people was based on the information provided by a representative from Waste Management who spoke at one of their meetings.

Mr. Bill Reddington, a Destin resident, asked the Council to delay making a decision whether to adopt the Short-Term Rental Task Force recommendations and allow the City's Code Compliance Department to continue to enforce current short-term rental regulations since they hired more code compliance officers for the job. He also stated that the 36 Bert J. Harris claims received by the City represent approximately \$26 million worth of lost values for the claimants, and many more claims may be forthcoming. The City may potentially be liable for about \$80 million of lost values.

Mr. Ken Wampler, a Destin resident and member of the Short-Term Rental Task Force, stated that the Task Force members spent most of their time communicating and educating. They are asking this Council to take action on changing the short-term rental registration renewal date to the last day in February and increasing the parking violation fee to the maximum amount allowed by Florida Statutes. Everything else relative to parking and trash is already in the current ordinance.

Mr. Mike Abadie, a Destin resident and business owner, stated that the general consensus among the people in livery industry was they are being targeted and being treated like the enemy by the City; and that the City is coming up with new regulations to make things harder for them. He stated that every industry should follow the same rules and regulations and not have a separate rules and regulations for the livery industry. He has been in the livery business for 30 years and has been at his current locations for 23 years. He has been following all the rules and regulations and doing the same thing he has always done for many years. But suddenly he is breaking the law as he, along with several livery vessel operators received notices of violation on their properties. He continued that instead of a simple renewal application, they are now being required to provide all information every year as if they are initiating their business; which is not a simple process and they now have to hire professionals to be able to complete the application. He urged the Council not to create new regulations and just enforce those that are already on the books.

Ms. Sherry Andrews, a Destin resident and business owner, stated that she had lived in Destin for 50 years. She has been in livery business for over 12 years and has followed all rules and regulations. They received a notice from the City about the parking requirements. She just purchased a property worth \$500,000 on Mountain Drive to be used to store boats 3 months out of a year to satisfy the requirements. She also stated there are new rules being written that would affect and put an undue burden on the livery industry.

4. CITY MANAGER REPORTS

A. Budget Amendment for Engineering

The City Manager noted this is a housekeeping matter related to the transfer of the Engineering Division from Public Services Department to the Community Development Department. A transfer of the funds from one account to another requires City Council approval. This physical transfer will better align staff with their respective financial accounts.

Motion by Councilmember Ramswell, seconded by Councilmember Braden, to authorize the budget amendment transfer of funds for the salary and benefits in the amount of \$216,000 for the City Engineer, Engineering Assistant II, and Stormwater/Floodplain Manager from account 0151460 to account 0154161 passed 7-0

(Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

B. FY20 Strategic Plan Summary

The City Manager explained that the Strategic Plan Summary is being presented to Council for their approval. The City Council and staff participated in a one-day strategic planning session in November 2019 to identify and prioritize Council projects and policy objectives. Results from that session have been summarized in the Strategic Plan Summary document. Approval of the plan will assist Council and staff to align the Fiscal Year 2020 priority project and strategic focus items through 2025.

Councilmember Destin moved to adopt the Fiscal Year 2020 Strategic Plan Summary as presented; seconded by Councilmember Overdier.

Councilmember Ramswell noted she has made some edits to the document to make things more consistent throughout the document and contribute to make this a professional looking document, and that copies of the edits had been provided to staff and other members of the Council.

Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. Funding options for Utilities Undergrounding

According to the City Manager, Council previously directed staff to bring back a list of funding options for the future undergrounding of utilities throughout Destin. The City’s Finance Director Braff Farmer has put together the following list of potential annual revenue sources:

- Additional 2% electricity franchise fee - \$850,000
- New ½ sales tax (Expires December 31, 2028) - \$1,200,000 annually
- Increase in Impact Fees - \$200,000
- New Public Service Tax 10% net to 6% - \$2,500,000
- Use of General Fund Revenue (if property values continue to rise) - \$?
- Increase of other Utility Franchise Fee (gas, garbage, water) - \$?
- Funding from Harbor CRA (Beginning FY 2025) - \$700,000
- Funding from Town Center CRA (Beginning FY 2029) - \$700,000

Councilmember Ramswell stated she would prefer not taking the funding for undergrounding from the CRA districts because they have both been struggling and they are just now starting to get better; but she would be in favor of increasing the impact fees. She asked for more information about the Public Service Tax.

Mr. Farmer explained that the new Public Service Tax would include 6% to 10% of the energy bill. The actual taxes are based on legislation that has been passed at the State level and are based on the energy prices that were in place around 1979.

Councilmember Ramswell added she would not be in favor of the additional 2% electricity franchise fee and having the citizens pay higher electric bills.

According to Councilmember Destin, the realistic funding source if they are going to successfully underground the utilities for the entire City is likely to be the electricity franchise fee increase from 4% to 6%. They would then have to earmark it so it would be available for future Councils and the money to be placed in an account that cannot be used for anything other than undergrounding of utilities. He also stated it will be a return on investment for everyone in the City as they will be investing in their own infrastructure so that when the next major Hurricane comes through, they are going to have a safer and more reliable system. He stated they have been negotiating with Gulf Power the last two years and that the franchise fee increase has been included in the discussion. They will continue negotiating with Gulf Power and attempt to find a way to come to an agreement. He added that the TDC is also a viable source of funding for the undergrounding because it is an investment in infrastructure for tourism and everyone would benefit from it. He also added there are other source of funding, including Triumph, which need to be pursued.

Councilmember Ramswell stated that people with underground utilities already in their neighborhood might be reluctant with paying higher electric bills.

Councilmember Destin explained that this underground system ultimately is fed by a larger above ground lines which would also be placed underground to prevent damage during severe weather.

The Mayor remarked that undergrounding the utilities would change the community from the aesthetic standpoint; and that property value should go up once they achieve total undergrounding.

Councilmember Overdier noted they are also trying to obtain beach accesses, which is quite an expensive proposition; and that they need to be very careful how much money they encumber for the undergrounding and make sure they have enough left to purchase beach properties.

D. Resident Pass for Beach Parking South of US Hwy 98

According to the City Manager, Council approved the implementation of paid parking along Scenic Hwy 98 in Crystal Beach and Gulf Shore Drive in Holiday Isle during the November 4, 2019 Council meeting. Council also asked about the possibility of implementing a "Resident Pass" program that would allow for discounted or free parking along the Scenic Hwy 98 corridor in Crystal Beach and along Gulf Shore Drive.

The Deputy City Manager noted that staff has reached out to their paid parking vendor and that there is only one viable option to achieve this goal. It would be similar to the current sticker program for Henderson Beach State Park. Stickers would be issued to City residents that would allow them to park either at a discounted rate or for free for the same 5-hour timeframe as a visitor who pays \$5.00. If Council chooses to enact a discounted or free parking program in the Crystal Beach and Holiday Isle areas, staff will try to have this program in place by March 1, 2020.

Councilmember Ramswell moved to adopt a resident beach parking pass program that allows for free parking on Scenic Hwy 98 in Crystal Beach and Gulf Shore Drive in Holiday Isle and have the program in place by March 1, 2020; seconded by Councilmember Overdier.

Councilmember Morgan stated that even though he supports providing free parking for residents, he does not feel it is right to ask their visitors to pay \$5.00 to park in their very inadequate beach accesses.

Councilmember Marler stated that residents already have parking on their property and do not need free parking passes in public lots; adding they will be penalizing the tourists. He also stated that the system will be abused.

Councilmember Ramswell stated that this is another benefit for their residents; adding they need to reward their residents any way possible.

Councilmember Menchel inquired about enforcement and making sure the system is not abused by allowing residents unlimited parking and with paying guests not having a place to park.

The Mayor called for a vote on the motion, which passes 5-2 (Council members Morgan, Overdier, Menchel, Ramswell and Braden voted "yes"; Council members Destin and Marler voted "no").

E. Office Productivity Suite and Email System (Office 365)

According to the Deputy City Manager, the IT Department is requesting approval of the continuation and addition of government Office 365 services. Due to changes in the City's public records policy additional emails for board and committee members need to be included in the City's services.

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to approve the continuation of services and addition of Office 365 government licenses with Liffitt and authorize the City Manager to purchase the necessary Office 365 licensing for City operations in the amount of \$27,708, which is a cost increase of \$8,028 due to licenses being provided to City committee members and new positions created in 2020 passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

F. Verizon Wireless GSA Supply Authorization

The Deputy City Manager noted that due to staff additions and Council member phones being added to the City's plan, an authorization letter must be signed to allow for the addition of services needed throughout the year. This service will allow the City to maintain its wireless communications to include any additions or changes relating to the new public records policy of the City as well as recent additions of new positions.

Councilmember Overdier moved for approval of the Verizon Wireless GSA Supply Authorization and authorize the City Manager to execute the document, seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

G. Subaward Agreement No. 2020R14 between Okaloosa County and City of Destin, Capt. Royal Melvin Heritage Park and Plaza Project; RFP Approval

The City Manager noted that the Captain Royal Melvin Heritage Park project was included in Okaloosa County’s RESTORE Act Component Initial Multi-year Plan which was accepted by the US Department of the Treasury on June 30, 2017. Okaloosa County approved the subaward agreement on December 17, 2019, and that staff is requesting Council’s approval to publish RFP 20-01-REC upon completion of the City Land Use Attorney and the County’s review and approval of the document for the construction of the park.

Councilmember Ramswell moved to authorize Mayor Gary Jarvis to execute the Subaward Agreement No. 2020-R14 between Okaloosa County, Florida and the City of Destin, Florida pertaining to the Direct Component portion of the Restore Act Trust Fund monies allocated to Okaloosa County. Councilmember Overdier provided a second to the motion.

Councilmember Ramswell noted that several different properties have donated money to the City, as part of their Net Positive Environmental Benefit (NPEB) fees, for the park project to include \$500,000 from the Pointe One project, \$42,000 from Waterview Towers, and \$46,800 from Grand Harbor; and that she would like to know what happened to these funds.

Mr. Farmer stated he is not aware of any fees donated to the City specifically for construction of the park; adding there have been fees donated to the City for constructions of docks along the harbor, but it does not mean those funds can specifically be used for the park. He continued that they spent approximately \$4.6 million for the land alone. It was paid through three different sources of funding, part of which was through a bond fund. They have allocated Recreation Impact Fees of approximately \$70,000, a Road Impact Fees of \$125,000, CRA loan funds of \$42,500, and the grant of \$1.26 million for the park construction.

Councilmember Ramswell maintains that the Board of Trustees had earmarked the fees she mentioned earlier for the park project. She asked staff to check on status of the following NPEB fees that were supposed to have been paid to the City:

- \$46,000 from Waterview Towers
- \$46,800 from Grand Harbor
- \$500,000 from Pointe One, LLC

Councilmember Menchel noted that according to Article II of the subaward agreement, the City will provide \$33,470 of non-RESTORE funds towards the project. He asked how this amount is determined.

Mr. Farmer explained that 75% of the cost is provided through federal funds, and the City and County each pays 12.5%.

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”).

Councilmember Destin moved to authorize the City Manager to publish RFP 20-01-REC CRMHP upon the completion of City Land Use Attorney and Okaloosa County’s review and approval of the document, seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

H. Development Review System Software Update

According to the Deputy City Manager, the City of Destin continues to work hard in preparation for the Energov project. City staff had very productive sessions with Energov staff on December 10-12. The departments continue to refine processes and work towards Energov milestones. They are 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.

I. Request for direction from City Council on amendments to Short-Term Rental Ordinance.

The City Manager remarked that the City Council re-established the Short-Term Rental Task Force in May 2019; and that the Task Force has provided their recommendations for the upcoming year. The Council may approve all, some, or none of these recommendations. They are in no way bound by the recommendations of the Task Force.

Councilmember Ramswell stated that she only has issues with recommendation no. 4 which requires that applications to register a short-term rental include an acknowledgement that the rental manager/agent will contact their guests the day prior to trash pickup and advise them of the time trash needs to be placed at the curb for pickup. She feels this is unnecessary and that having it in writing and notifying their guests when they check-in should suffice.

Councilmember Overdier stated that he agrees with Councilmember Ramswell regarding recommendation no. 4. He also stated he cannot support recommendation no. 2 which requires each property to have one trash can for every 6 occupants. Not everyone needs extra trash cans. It should only apply to habitual offenders that are constantly receiving a notice of violation from the City for having trash outside the trash can. He also cannot support recommendation no. 6 which requires the issuance of parking passes to guests; adding that the required signage already include the number of vehicles authorize on the property.

Councilmember Menchel stated that recommendation no. 6 is not only unnecessary, but it is also unenforceable; adding that visitors that park on the property temporarily do not deserve to get a ticket.

The Mayor opined that the Council should ignore the trash can issue. They should consider a valet trash pickup that representatives from Waste Management which he has spoken with are recommending rather than putting an extra burden on short-term rental owners.

Councilmember Menchel moved to direct staff to prepare an ordinance incorporating the following recommendations of the Short-Term Rental Tasks Force; seconded by Councilmember Overdier:

- **Recommendation 3 – Increase fines for parking violations up to the maximum amount allowed by Florida Statute**
- **Recommendation 9 – All registrations for short-term rentals are to expire on the last day of February, each year**

Councilmember Marler noted that short-term rentals provide part of their bed-tax revenues and they are making it very hard for them to operate and attract guests because they are being too restrictive.

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

J. Airport Road Update

Public Services Director Michael Burgess noted that the report shows FDOT’s timeline for designing construction for the high friction surface treatment and other improvements for the Airport Road curve. Staff would also be meeting with Volkert Engineering to discuss the Airport Road guardrail design on January 8, 2020.

According to Councilmember Ramswell, they should already have guardrail designs in place per previous Council request.

Mr. Burgess stated he is not aware of any such designs.

According to Councilmember Ramswell, the report shows FDOT completing a project design by June 30, 2020. She asked why it would take so long to design a guardrail.

The City Manager explained the June 30, 2020 deadline is for the base construction design and not for the guardrail.

Councilmember Ramswell inquired as to the delivery date for the guardrail.

Mr. Burgess noted that the Council authorized the City Manager to begin the negotiation process with Volkert Engineering, and that this issue will be discussed at their January 8th meeting with Volkert.

Councilmember Marler stated he is not in favor of the guardrail system because he believes it would cause more harm than good to motorists; adding that it would not be necessary if they could find a way to slow people down at the curve.

According to Councilmember Ramswell, people are not slowing down and so it is incumbent upon the Council to make the road safer for everybody.

K. Request for clarification pertaining to the following direction from Council:

The City Manager requests clarification regarding Council's request to investigate the possibility of leasing the property on the southwest side of the Marler Bridge as Eglin Air Force Base representatives have contacted the City asking some questions about it.

According to the Land Use Attorney, the base is entertaining options from different entities regarding that property and they wanted to know more about the City's intention and whether they wanted to be considered as an option. She also stated this could be an expensive proposition as the base would be asking for fair market value for the property; and that if the City decides to take that route, they would also be taking responsibility for maintenance of the property.

Councilmember Menchel requested that the Land Use Attorney and Community Development Director come back with some ideas/recommendations on how to move forward with this initiative.

Councilmember Destin remarked that if they are going to pursue this initiative, it would be to their advantage engage their community partners and other governmental entities rather than doing it alone. It would also be worth discussing at a future TDC meeting the County or the TDC's intentions in trying to alleviate the existing problems in that area such as the lack of restroom facilities, lifeguards and trash collection.

It was the consensus of the Council to have staff investigate the feasibility of leasing the property on the southwest side of the Marler Bridge.

L. Announcements

The City Manager made the following announcements:

- Friday weekly report will be replaced by a monthly report with each department having its own chapter
- Weekly task tracking update form will be provided to the Council
- Monday, Jan. 20th is a holiday. The next City Council meeting is scheduled for Tuesday, Jan. 21st.
- January 30th at City Hall - Social Media and Public Records Training for Council and staff. Members of the public who wish to participate need to RSVP to the PIO

5. PUBLIC HEARINGS

6. CONSENT AGENDA

A. City Council consideration for approval, a project located on Choctawhatchee Bay, ±56 ft. extension, to include a boat house and two (2) 4'x 55' catwalks, located at 936 Bambi Drive. The total project footprint is ± 330 sq. feet.

B. Junior League of the Emerald Coast 8th Annual Rock the Roads 5/10k

C. Approval to award bid, RFB 19-17-REC Clement Taylor Park Replacement of Existing Seawall

D. Authorization for Payment John Deere Equipment Lease Option

Councilmember Ramswell requests Consent Agenda 6C be pulled for discussion.

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

Some discussions followed relative to Consent Agenda item 6C. The City Manager noted there was a blank space in the recommended motion for this item rendering it inappropriate for approval under Consent Agenda. He stated there are two types of seawall that could be used for this application. One is vinyl which the City's Bid Committee recommends. The other is corrugated aluminum metal, which comprises the existing seawall, and which FEMA recommends. The latter costs a little bit more. It is the Council's decision, but FEMA would move forward whichever Council choose.

According to Councilmember Ramswell, it would seem aluminum would rust and corrode since it is near the water, but not so with the vinyl.

The Mayor noted that aluminum does not rust. It oxidizes over time. It is a superior product over the vinyl and with a little overall shelf life.

Councilmember Ramswell asked if aluminum could cut people if exposed.

The City Manager noted there would be a cap that would prevent that from happening.

Councilmember Destin asked which product handles better from impacts or debris.

According to the Mayor, vinyl cracks and breaks, and aluminum tends to bend.

Councilmember Destin moved for approval of Consent Agenda item 6C, award of RFB 19-17-REC Bid Alternate 2 (Corrugated Aluminum Sheet Panels) to Live Flyer, Inc., and authorize the City Attorney to draft a contract with the understanding that a Notice to Proceed will not be issued until such time that FEMA funding has been obligated and until the ACOE Permit is issued for this project; and authorize the City Manager to execute the contract with Live Flyer, Inc. Councilmember Ramswell provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

Councilmember Ramswell requested an update regarding the possibility of the Destin Fire Station going into the park property and when this item will come back to Council for discussion and action.

According to the City Manager, there has not been any development since this item was brought to Council. He stated they have received permission from the Treasury Department to allow this use without impacting the grant. They will coordinate with the Destin Fire District in terms of the timetable for the next step.

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

- A. Councilmember Braden
- B. Councilmember Ramswell

Councilmember Ramswell would like to discuss formation of a Beach Advisory Committee sooner rather than later and to have a consensus established amongst the Council members before the peak season.

Councilmember Ramswell asked staff to investigate and determine the legality of a *water taxi stop* sign being placed in front of a private property as she had seen one in front of a private property on Norriego Point.

According to Councilmember Ramswell, it was discovered a year ago that a property owner had mistakenly closed a Sterling Shores public beach access point and that staff was supposed to work with the property owner to re-open it. She inquired as to the outcome of staff's effort.

According to the Land Use Attorney, there had been some correspondence between the City's attorneys and Attorney Dana Matthews' office which represented the private property owner, but there had not been any real movement on it since then. There are some legal issues that they would need to discuss with individual Council members after this meeting.

1. Nomination of Mr. Matthew Sweetser for appointment to the Town Center CRA Advisory Committee

Motion by Councilmember Ramswell, seconded by Councilmember Menchel, to appoint Mr. Matthew Sweetser to the Town Center CRA Advisory Committee passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- C. Councilmember Menchel

Councilmember Menchel stated it has been 7 weeks since this Council directed the City's attorneys to perform an audit of the City's continuing services contracts. The City Attorney mentioned to him that several Council members have expressed concern this has become a personnel matter.

According to the City Attorney, Council directed him and the City Land Use Attorney to investigate the City's continuing services contracts for any irregularities, clarify the APT contract, and seek out a third-party auditor to conduct a forensic audit of the continuing services contracts. He stated that personnel investigation was also contemplated within the scope of the motion and

there have been some questions regarding certain personnel that are no longer employed by the City. He requests clarification from Council whether the scope of the motion includes the investigation of these matters or whether the City Attorneys should simply stick to an investigation and analysis of these contracts and present a written report to Council and then await further instructions from Council based on the findings presented in the report.

Councilmember Menchel stated that he is quite disappointed over the fact that for over 90 days the City of Destin had known they were owed approximately \$1,500 in the APT contract but never asked for that money back from APT.

According to the City Manager, he was not sure whether APT had overcharged the City; otherwise, he would have asked for the City to be reimbursed right away. He continued that he had instructed the Finance Director to perform an independent audit after the Council had directed the City Attorneys to conduct a separate audit; and that he was waiting for the results of the audits before pursuing the best course of action.

The Mayor suggests Councilmember Menchel asks the City Manager these types of questions privately rather than publicly. Though these are legitimate questions because a member of the Council is trying to find out if there is fraud, malfeasance or dereliction of duty involved here, he feels this type of discussion should be held privately. It should only be made publicly if the City Manager or his staff does not provide a legitimate response.

Councilmember Menchel noted he has had several closed-door sessions with the City Manager on this matter and provided him ample time to take corrective action, but it has not been done. He feels they have a systemic problem and their contract oversight has been a failure; and that it is part of his job to point this out so it could be corrected. He continued that City staff is doing a great job overall, but it appears some are not doing their job and making the City Manager look bad. He added he just want the problems remedied and then move forward.

Councilmember Destin stated there should be a more economical way of doing things rather than to have two attorneys that charge \$150 to \$200 per hour conduct the audit. They could have this audit conducted in conjunction with staff.

Councilmember Ramswell commented that she would not oppose contacting Representative Ponder to request assistance from the State Auditor General to conduct the audit at no cost to the City, as previously proposed as she does not believe they have anything to hide.

The Mayor argues that a State audit would ruin people's reputation and damage the City; adding there are members of staff that have only been with the City for a few months.

Councilmember Ramswell stated that she looks at it from the perspective that the City is requesting some assistance to make sure their records are correct. It is not about an outside agency requesting a State audit because they suspect some wrongdoings on the part of the City. She asked the City Manager how he feels about requesting a State audit.

The City Manager stated that he does not believe it is a good idea to bring in a State auditor to perform the audit on this organization. He continued that he has been on the job for one year; and

that he feels they have made a lot of progress during that period. He also stated he would like to encourage each Council member to read the direction related to a survey they are required to fill out for the grant they are getting from the US Treasury. It would reveal things they are looking for and things that have happened within this organization within the past year, and he feels they would appreciate knowing what the US Treasury is looking for.

Councilmember Morgan asked the City Manager if he sees any kind of negligence or potential malfeasance with the City's finances that raises to the level that they need the State to investigate; in his capacity as City Manager for a year, and as a department head for several years.

According to the City Manager, this matter does not require a State investigation; but he welcomes the Council-directed audit because it would give him factual information that he needs to make good decisions. He added he would be the first one to report anyone he feels is doing something illegal.

Councilmember Menchel recommends having the head of each department performs a self-audit of their continuing services contracts and reports their findings back to the City Manager.

The City Manager stated he would welcome any process the Council sees fit as long as it will provide him the facts he needs to feel comfortable moving things to the next level be it an improvement program, a change of policy, or a disciplinary action.

Councilmember Destin moved to cancel previous directive from the Council and direct the City Manager to instruct each department head to conduct a thorough self-audit of their continuing services contracts and come back with a report to Council within 90 days; and to have the City's legal counsel act as consultants and take immediate action to remedy the situation should irregularities be found through this self-investigation. Councilmember Menchel provided a second to the motion. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

- D. Councilmember Overdier
- E. Councilmember Marler

Councilmember Marler asked staff to place two topics under his name on the next meeting agenda for discussion and reevaluation: one dealing with the Livery Vessel Ordinance and the other on public parking.

Place public parking under his name for discussion and reevaluation within the next two Council meetings.

- F. Councilmember Destin

G. Councilmember Morgan

1. Vacation of Azalea Drive and Legion Drive Rights-of-Way

According to Councilmember Morgan, the crosstown connector was designed so it could easily be converted to a 4-lane road later on. However, there is no plan to convert it to a 4-lane road at this time and no money set aside for the conversion. If they approve construction now, it would only be a 2-lane road. He also stated that instead of spending more money to redesign the road so it would be difficult to convert it to a 4-lane road in the future, they could simply vacate the right-of-way on Azalea Drive to prevent it from becoming a 4-lane road in the future. Even though Legion Drive, from Airport Road to Beach Drive, has a large median, they will not have the ability to convert the crosstown connector to a 4-lane road by vacating the right-of-way on Azalea Drive.

Councilmember Morgan moved to instruct the Public Works Director, City Engineer and Land Use Attorney to provide a report to Council on whether the City could build a four-lane road on Legion Drive from Airport to Beach Drive with the right-of-way it currently has; and if so, which right-of-way they would need to vacate to prevent it from happening. Also, to have City staff prepare a report about Azalea Drive right-of-way vacation. Councilmember Destin provided a second to the motion.

Councilmember Braden stated that he is never been in favor of abandoning rights-of-way. He feels they could always turn it into something useful such as parking.

Councilmember Morgan maintains that by abandoning the right-of-way on Azalea Drive, they could prevent future Council from turning it into a 4-lane road because the City no longer owns the property.

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

H. Mayor Gary Jarvis

I. Land Use Attorney

The Land Use Attorney announced they have selected a mediator for the Pointe Mezzanine litigation, per Council's directive; and that they will provide more update after their initial conversation with the mediator.

J. City Attorney

Councilmember Braden requested an update on the litigation involving the Destin Fishing Fleet.

According to the City Attorney, the Bert Harris lawsuit is the major lawsuit for the Fleet. It is still in the discovery stages of litigation. They have a pre-trial scheduled in June; however, there could be a dispositive motion that could occur that if the City prevails would moot the trial. He also

stated that he had taken the deposition of Commissioner Kelly Windes. And Maryann Windes. Mr. Louis Zunguze's deposition was taken as the City's corporate representative, but that deposition is not fully closed, and they could still recall Mr. Zunguze.

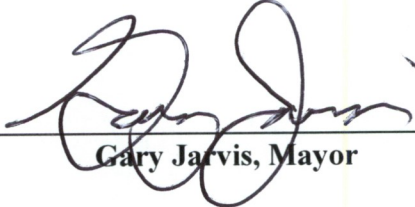
8. PUBLIC COMMENTS

Mr. Ken Wampler asked if the Short-Term Rental Task Force has officially been disbanded.

The Land Use Attorney replied affirmatively.

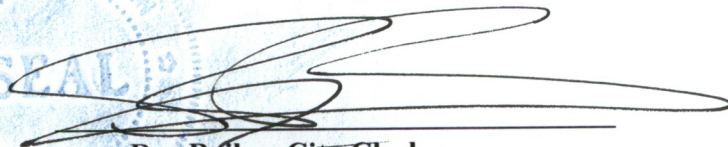
Mr. Bill Reddington stated that he is in favor of the proposed guardrail on Airport Road; however, they need to make it wide enough to prevent motorists from hitting the guardrail.

Having no further business at this time, the meeting was adjourned at 9:15 PM.



Gary Jarvis, Mayor

ATTEST:



Rey Bailey, City Clerk



**ACTION AGENDA
REGULAR MEETING
DESTIN CITY COUNCIL
APRIL 20, 2020
ANNEX COUNCIL CHAMBERS**

AGENDA APPROVAL

**Request to add agenda item 7A(1):
“Holiday Isle Spoils Easement” (Braden)**

**Motion to approve the agenda, as
amended, passed 7-0.**

1. APPROVAL OF MINUTES

- A. Approval of minutes of April 1, 2020 Special City Council Meeting

**Motion to approve minutes of April 1,
2020 Special Council meeting passed 7-0.**

- B. Approval of minutes of January 6, 2020 Regular City Council Meeting

**Motion to approve January 6, 2020
regular City Council meeting passed 7-0.**

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

- A. Raymond James update on City Investments Brian Haugen
- B. Proclamation Arbor Day Celebration

**The Mayor read the proclamation
designating April 24, 2020 as Arbor
Day in the City of Destin.**

- C. Patrick Maddox/Okaloosa County Emergency Management and COVID-19 Updates

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

4. CITY MANAGER REPORTS

A. Discussion regarding Demobilization

Motion to schedule a special City Council meeting for April 29th at 6:00 p.m. to discuss demobilization plans for the City of Destin passed 6-1, with Councilmember Braden dissenting.

It was the consensus of the Council to schedule the special meeting earlier than April 29th if the County takes action related to beaches at their April 21st meeting, and the effective date of their resolution is before April 29th to align with the County.

It was the consensus of the Council to have the City Attorney bring back a proposed resolution substantially similar or almost exactly similar to the County's resolution and then the Council can amend it as appropriate.

B. First Amended Declaration of State of Emergency and Extensions 1 and 2

Motion to direct and authorize the City Manager to issue the First Amended Declaration of State of Emergency and further direct the City Manager to issue extensions 1 and 2 thereto, if the City Manager determines that the State of Emergency still exists on the dates specified in extensions 1 and 2 passed 7-0.

C. Resolution 20-08 - Permitting the Use of Communications Media Technology to Conduct Quasi-Judicial City Public Hearings

Motion to approve Resolution 20-08, as amended, and direct the Mayor to execute the resolution passed 7-0.

D. Milling, Resurfacing and Restriping of a portion of Beach Drive, authorization to execute task orders

Councilmember Menchel recommends rebidding this continuing services contract moving forward following this project. He also recommends putting cones or barrels down in lieu of the temporary paint to save money.

Motion to authorize the City Manager to execute a task order consistent with the quotes from H&T Contractors LLC and Emerald Coast Striping to mill, resurface and re-stripe Beach Drive, from US98 to Kelly Street, in the amount of \$182,794.15 passed 7-0.

E. FY20 Re-Striping Projects, authorization to execute a Task Order

Motion to authorize the City Manager to execute a task order for the FY 20 re-striping projects and make up the difference from the Gas Tax passed 7-0.

F. Development Review System Software Update

G. Update on Beach Paid Parking (Parking South of Highway 98) and Resident Passes

Motion to revisit this issue at the first meeting in June passed 7-0.

H. Request for Direction and Capt. Royal Melvin Heritage Park Status Update

Motion to direct staff to conduct the following actions:

- a. Reject the initial bid.**
- b. Transmit the Council's decision to rebid the project to the County on Tuesday, April 21st for approval.**
- c. Advertise the project within 24 hours of the County's approval.**
- d. Place a Capt. Royal Melvin Heritage Park update under City Manager Report at every Council meeting.**

Motion passed 7-0.

Councilmember Menchel recommends expanding the bid area for advertising to increase the chance of receiving more bids for the project.

Councilmember Ramswell would like a copy of the 2018 and 2019 Stewardship Report with the Community Land Trust that is required annually for the park.

I. Finance Director Candidate Approval

Motion to confirm the appointment of Mrs. Krystal Strickland as Finance Director, City of Destin passed 7-0.

J. Distribution of City-Issue Phones and Training, and Scheduling of Workshop for Additional Public Records Training

The City Attorney to bring back a slightly revised version of Resolution 19-27 at the May 4th Council meeting to correct some internal consistency issue and to reflect some technological upgrades mainly due to COVID-19.

K. Announcements

- **Mr. Jeff Cozadd provided a brief report on COVID-19 related grant and assistance programs for small businesses and individuals**
- **The City Manager announced that FDOT has selected an engineering firm to provide designs for the US Hwy 98 medians between Airport Road and Marler Bridge. He requests Council appoints a Council representative to participate in meetings with FDOT.**

Motion to appoint Councilmember Braden as the Council representative passed 7-0.

5. PUBLIC HEARINGS

A. First reading of Ordinance 20-09-PC - Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Residential, Office, Institutional (ROI), Recreation (REC), and Institutional (INST) to Institutional (INST)

Motion to approve proposed Ordinance 20-09-PC – Mattie Kelly Arts Foundation – and direct staff to send the ordinance to the Florida Department of Economic Opportunity for review of the Future Land Use Amendment prior to second reading passed 7-0.

B. First reading of Ordinance 20-10-PC - Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the Future Land Use designations of the parcels described and generally depicted in Exhibit A from North Harbor Mixed Use (NHMU) and Residential, Office, Institutional (ROI) to Institutional (INST).

Motion to approve proposed Ordinance 20-10-PC – City Parking Lot – and direct staff to send the ordinance to the Florida Department of Economic Opportunity for review of the Future Land Use Amendment prior to second reading passed 7-0.

C. First reading of Ordinance 20-11-PC - Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Medium Density Residential (MDR) and Residential, Office, Institutional (ROI) to Residential, Office, Institutional (ROI).

Motion to approve proposed Ordinance 20-11-PC – Sugarloaf Apartments – and direct staff to send the ordinance to the Florida Department of Economic Opportunity for review of the Future Land Use Amendment prior to second reading passed 7-0.

D. First reading of Ordinance 20-12-PC - Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Bay Estates (BE) to Recreation (REC)

Motion to approve proposed Ordinance 20-12-PC – Cemex Plant – and direct staff to send the ordinance to the Florida Department of Economic Opportunity for review of the Future Land Use Amendment prior to second reading passed 7-0.

E. First reading of Ordinance 20-13-PC - Amending the Future Land Use Map as referenced in Chapter 1 of the Comprehensive Plan to include a change in the future land use designations of the parcel described and generally depicted in Exhibit A from Institutional (INST) and Town Center Mixed Use (TCMU) to Institutional (INST).

Motion to approve proposed Ordinance 20-13-PC – DUMC – and direct staff to send the ordinance to the Florida Department of Economic Opportunity for review of the Future Land Use Amendment prior to second reading passed 7-0.

6. CONSENT AGENDA

7. COMMENTS/PRESENTATIONS FROM MAYOR, COUNCIL, LAND USE ATTORNEY AND CITY ATTORNEY (No public comments)

A. Councilmember Braden

Councilmember Braden recommends the Christmas Parade Committee considers adding Capt. Tommy Browning to the list of potential candidates for Grand Marshall for the Destin Christmas Parade this year.

1) Holiday Isle Spoils Easement

B. Councilmember Ramswell

Councilmember Ramswell asked the Land Use Attorney to look into the ownership issue regarding the Osteen access and how far the Osteen access extends.

Councilmember Ramswell asked the City Manager to follow up on her previous request for the City to send a letter to Governor Desantis encouraging him to consider the US Hwy 98 project among the critical infrastructure projects that are being fast-tracked per the Governor's direction.

Councilmember Ramswell requested a copy of the letter asking FDEP'S formal written position on the issue relating to Norriego Point embayment.

C. Councilmember Menchel

Councilmember Menchel asked staff to have the street name signage be placed on the new mast arms that were installed as part of the widening project on US Hwy 98.

D. Councilmember Overdier

E. Councilmember Marler

1) Rescheduling upcoming City events/Founder's Day Discussion

Councilmember Marler requests Founder's Day be rescheduled to September after Labor Day.

F. Councilmember Destin

G. Councilmember Morgan

Councilmember Morgan requests Coleman Lake Outfall be placed on the next Council meeting agenda.

H. Mayor Gary Jarvis

1) Planning for our future

I. Land Use Attorney

J. City Attorney

8. PUBLIC COMMENTS

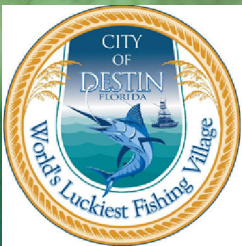
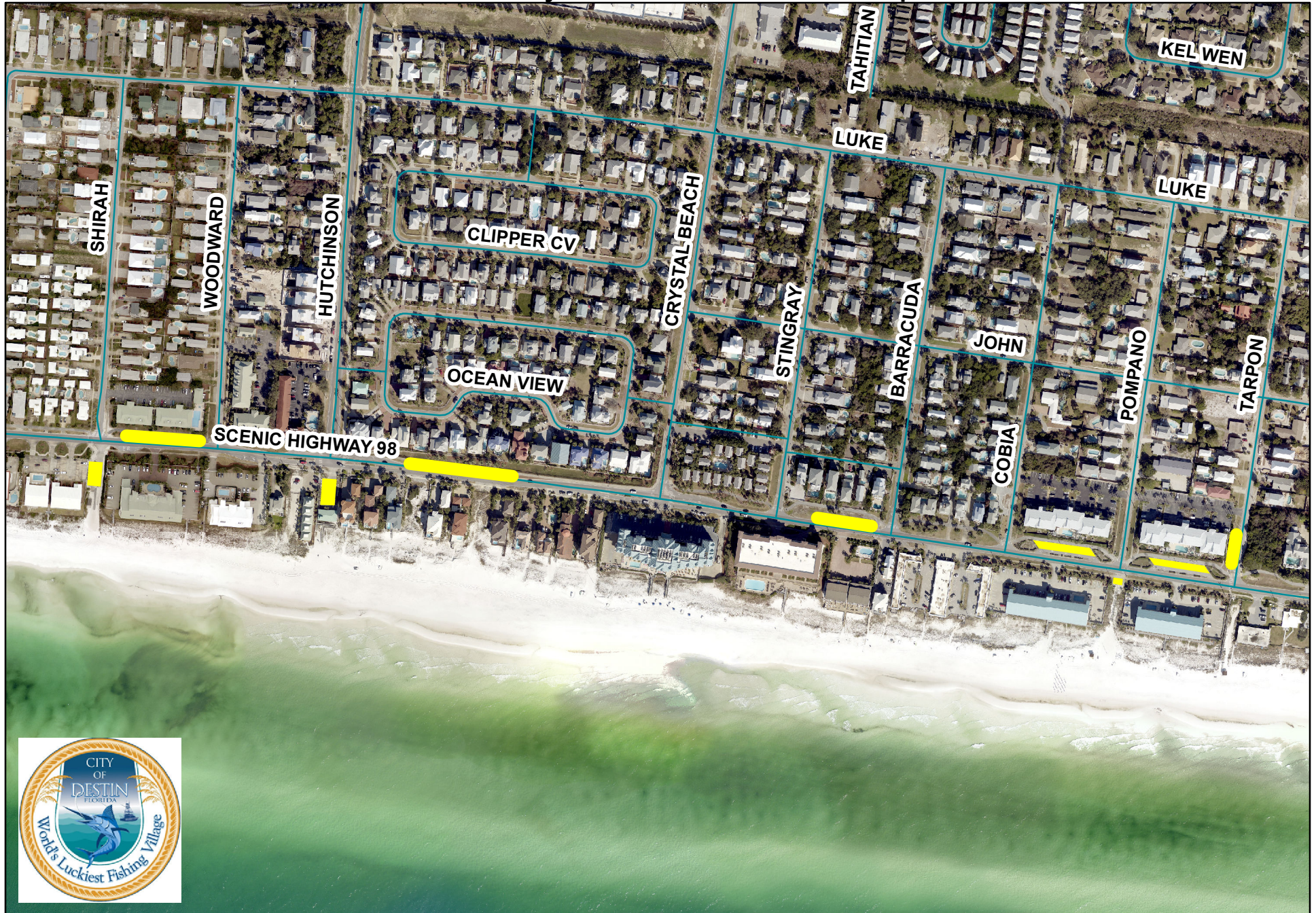
A. Written comments from the public

ADJOURNMENT: 9:50 PM

Gulf Shore Drive, Pay to Park Area. ~70 spaces



Scenic 98 West and Central, Pay to Park Area. ~75 spaces



Scenic 98 East, Pay to Park Area. ~12 spaces



you be allowed to replace windshield
you license plate

EXPIRES DECEMBER 31' 2020

CITY OF DESTIN, FL
ISSUED IN AGREEMENT WITH THE

2001

PARKING PERMIT
RESIDENT BEACH
CITY OF DESTIN



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020**TYPE OF AGENDA ITEM:** City Manager Report**TO:** City Council**THRU:** Lance Johnson, City Manager**FROM:** Lisa Firth, Parks & Rec Director**DATE:** 6/1/2020**SUBJECT:** Recreation Re-Opening of Sports Tournaments

I. BACKGROUND: Following the Governor's latest Executive Orders (EO) concerning COVID-19, recreation staff are actively planning for the re-establishment of city programs and re-opening our fields to limited rentals under guidelines set forth by the Centers for Disease Control and the National Parks and Recreation Association for the benefit of our residents, businesses and guests. Staff is seeking direction regarding large sports tournaments (rentals) such as the USSSA youth baseball tournaments traditionally held at the Morgan Sports Center during June and July. These tournaments host up to 90 teams with many of these teams coming from Louisiana (Louisiana et al are still under EO-86 requiring a 14 day mandatory quarantine period. Geographic restrictions are in place until July 7, 2020 per EO 20-114). Staff has limited resources to enforce social distancing guidelines for such events.

The May 26th meeting of the Parks and Recreation Committee resulted in a motion recommending the City not allow tournament to be allowed at this time, citing concerns for the safety of the local citizenry.

Our neighboring municipalities (Panama City Beach, Fort Walton Beach and others) are allowing these tournaments to proceed in June with varying safety requirements. Staff seeks guidance from council on this issue.

II. DISCUSSION:

The CDC and the National Parks and Recreation Association endorse the following guidelines for re-opening youth sports (ATC1.)(++)

1. • Lowest Risk: Performing skill-building drills or conditioning at home, alone or with family members.
2. • Increasing Risk: Team-based practice.
3. • More Risk: Within-team competition.

4. • Even More Risk: Full competition between teams from the same local geographic area.

5. • High Risk: Full competition between teams from different geographic areas (with geographic E.O. restrictions enforced-closed to teams from restricted areas ++).

6. *Highest Risk!: Full competition between teams from different geographic areas (with no geographic restrictions-open to teams from all areas).

++We have added number 5 to this list to take into account the Governor's executive orders placing restrictions on visitors from specified geographic regions.

Staff seek direction on balancing the competing influences of re-opening youth sports.

1) the desire to return to "normal" operations re: sports tournaments with their obvious benefits to the local economy

2) the desire to keep our citizenry safe from undue risk with regards to possible spread of COVID-19 infections.

A. Link to Strategic Goals / Objectives: Public safety of Residents & Visitors
Enhancing economic impact of Destin businesses through Sports Tourism

B. Effect on Budget (EOB): The effect on direct revenue (Rents/fees) to the City of Destin is approximately \$10,000 per weekly baseball tournament.

The economic impact to Destin businesses including food/beverage, lodging and other retail is in the 100s of thousands.

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: Possible motions:

1) I move to direct staff to implement level 4 "Even More Risk" Allowing for full competition between teams from the same local geographic area with adherence to the CDCs guiding principles for youth sports.

2) I move to direct staff to implement level 5 "High Risk" allowing for full competition between teams from different geographic areas except for areas specifically restricted by the Governor's Executive Orders with adherence to the CDCs guiding principles for youth sports.

3) I move to direct staff to implement level 6 "Highest Risk" allowing for full competition between teams from all geographic areas with adherence to the CDCs guiding principles for youth sports.

Attachments:

1. ATC1: CDC COVID-19 Youth Sports Guidelines
2. ATC2: EO_20-86
3. ATC3: EO_20-114

Coronavirus Disease 2019 (COVID-19)

Considerations for Youth Sports

As some communities in the United States begin to start youth sports activities again, the Centers for Disease Control and Prevention (CDC) offers the following considerations for ways in which youth sports organizations can protect players, families, and communities and slow the spread of the Coronavirus Disease 2019 (COVID-19). Administrators of youth sports organizations can consult with [state and local health officials](#) to determine if and how to put into place these considerations. Each community may need to make adjustments to meet its unique needs and circumstances. Implementation should be guided by what is practical, acceptable, and tailored to the needs of each community. These considerations are meant to supplement – **not replace** – any state, local, territorial, or tribal health and safety laws, rules, and regulations with which youth sports organizations must comply.

Guiding Principles to Keep in Mind

There are a number of actions youth sports organizations can take to help lower the risk of COVID-19 exposure and reduce the spread during competition and practice. The more people a child or coach interacts with, the closer the physical interaction, the more sharing of equipment there is by multiple players, and the longer that interaction, the higher the risk of COVID-19 spread. Therefore, risk of COVID-19 spread can be different, depending on the type of activity. The risk of COVID-19 spread increases in youth sports settings as follows:

- **Lowest Risk:** Performing skill-building drills or conditioning at home, alone or with family members.
- **Increasing Risk:** Team-based practice.
- **More Risk:** Within-team competition.
- **Even More Risk:** Full competition between teams from the same local geographic area.
- **Highest Risk:** Full competition between teams from different geographic areas.

If organizations are not able to keep in place safety measures during competition (for example, maintaining social distancing by keeping children six feet apart at all times), they may consider dropping down a level and limiting participation to within-team competition only (for example, scrimmages between members of the same team) or team-based practices only. Similarly, if organizations are unable to put in place safety measures during team-based activities, they may choose individual or at-home activities, especially if any members of the team are at [high-risk for severe illness](#).

Assessing Risk

The way sports are played, and the way equipment is shared can influence the spread of COVID-19 among players. When you are assessing the risk of spread in your sport, consider:

- **Physical closeness of players, and the length of time that players are close to each other or to staff.** Sports that require frequent closeness between players may make it more difficult to maintain social distancing, compared to sports where players are not close to each other. For close-contact sports (e.g., wrestling, basketball), play may be modified to safely increase distance between players.
 - For example, players and coaches can:
 - focus on individual skill building versus competition;

- limit the time players spend close to others by playing full contact only in game-time situations;
- decrease the number of competitions during a season.

Coaches can also modify practices so players work on individual skills, rather than on competition. Coaches may also put players into small groups (cohorts) that remain together and work through stations, rather than switching groups or mixing groups.

- **Amount of necessary touching of shared equipment and gear (e.g., protective gear, balls, bats, racquets, mats, or water bottles).** It is also possible that a person can get COVID-19 by touching a surface or object that has the virus on it, and then touching their own mouth, nose, or eyes. Minimize equipment sharing, and clean and disinfect shared equipment between use by different people to reduce the risk of COVID-19 spread.
- **Ability to engage in social distancing while not actively engaged in play (e.g., during practice, on the sideline, or in the dugout).** During times when players are not actively participating in practice or competition, attention should be given to maintaining [social distancing](#) by increasing space between players on the sideline, dugout, or bench. Additionally, coaches can encourage athletes to use downtime for individual skill-building work or cardiovascular conditioning, rather than staying clustered together.
- **Age of the player.** Older youth might be better able to follow directions for social distancing and take other protective actions like not sharing water bottles. If feasible, a coach, parent, or other caregiver can assist with making sure that athletes maintain proper social distancing. For younger athletes, youth sports programs may ask parents or other household members to monitor their children and make sure that they follow social distancing and take other protective actions (e.g., younger children could sit with parents or caregivers, instead of in a dugout or group area).
- **Players at higher risk of developing serious disease.** Parents and coaches should assess level of risk based on individual players on the team who may be at [higher risk for severe illness](#), such as children who may have asthma, diabetes, or other health problems.
- **Size of the team.** Sports with a large number of players on a team may increase the likelihood of spread, compared to sports with fewer team members. Consider decreasing team sizes, as feasible.
- **Nonessential visitors, spectators, volunteers.** Limit any nonessential visitors, spectators, volunteers, and activities involving external groups or organizations.
- **Travel outside of the local community.** [Traveling](#) outside of the local community may increase the chances of exposing players, coaches, and fans to COVID-19, or unknowingly spreading it to others. This is the case particularly if a team from an area with high levels of COVID-19 competes with a team from an area with low levels of the virus. Youth sports teams should consider competing only against teams in their local area (e.g., neighborhood, town, or community).

Promoting Behaviors that Reduce Spread

Youth sports organizations may consider implementing several strategies to encourage behaviors that reduce the spread of COVID-19.

- **Staying Home when Appropriate**
 - Educate staff and player families about when they should stay home and when they can return to activity
 - Actively encourage sick staff, families, and players to stay home. Develop policies that encourage sick employees to stay at home without fear of reprisal, and ensure employees aware of these policies.
 - [Individuals, including coaches, players, and families, should stay home](#) if they have tested positive for or are showing COVID-19 [symptoms](#).
 - Individuals, including coaches, players, and families, who have recently had a [close contact](#) with a person with COVID-19 should also [stay home and monitor their health](#).
 - CDC's criteria can help inform return to work/school policies:
 - [If they have been sick with COVID-19](#)

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-86

(Emergency Management - COVID-19 –Additional Requirements of Certain Individuals
Traveling to Florida)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 24, 2020, I issued Executive Order number 20-82 directing all persons from an area with substantial community spread who enter the State of Florida to isolate or quarantine for a period of 14 days; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1.

A. I hereby direct all persons who enter the State of Florida from an area with substantial community spread, to include the State of Louisiana, inclusive of those entering the State of Florida by roadways, to isolate or quarantine for a period of 14 days from the time of entry into the State of Florida or the duration of the person's presence in the State of Florida, whichever is shorter. This section shall not apply to persons performing military, emergency, health or infrastructure response, or persons involved in any commercial activity. This Order shall take effect immediately and apply retroactively to all persons who have entered Florida after being in any area with substantial community spread. All persons isolating or quarantining under this Section shall be responsible for all costs associated with their isolation or quarantine, including transportation, lodging, food, medical care and any other expenses to sustain the person during the period of isolation or quarantine.

B. I hereby direct all persons covered under Section 1(A) of this Order to inform any individual in Florida with whom they have had direct physical contact in the past 21 days that they traveled from an area with substantial community spread.

C. I direct the establishment of appropriate checkpoints on the roadways for those persons and vehicles entering the State of Florida and to require those persons to provide information, including in a written form, regarding the origin of their travel and on the address of their location of isolation or quarantine for a period of 14 days. I further direct the Florida Department of Transportation to facilitate locations for appropriate checkpoints, including at welcome centers and rest stops, and to facilitate the placement of road signs and advisories to provide information on this Order and to direct traffic to the appropriate checkpoint.

D. Pursuant to sections 252.36(5)(b) and 252.47, Florida Statutes, the Florida Highway Patrol and County Sheriffs are directed to assist with the establishment of appropriate checkpoints, the flow of traffic to those checkpoints and any enforcement actions.

Section 2. Failure to follow Section 1 of this Order is a second-degree misdemeanor pursuant to section 252.50, Florida Statutes, and is punishable by imprisonment not to exceed 60 days, a fine not to exceed \$500, or both.

Section 3.

A. Pursuant to section 252.47, Florida Statutes, I hereby direct all state, county and local law enforcement authorities to enforce this Order. Any law enforcement authority that interacts with a person in violation of Section 1(A) of this Order shall immediately report the individual, along with personal identifying and contact information, to the Florida Department of Health.

B. Pursuant to section 381.0012(5), Florida Statutes, “it shall be the duty of every state and county attorney, sheriff, police officer, and other appropriate city and county officials upon the request to assist the Department of Health” in enforcing any isolation or quarantine, state health law and order of the Department of Health issued pursuant to this Order.

Section 4. To the extent necessary, the exceptions of this Executive Order are applicable to Executive Order 20-80, Section 1(A) and 20-82, Section 1(A).

Section 5. This Executive Order shall expire upon the expiration of Executive Order 20-52, including any extensions, or upon an Executive Order lifting the isolation or quarantine after advice from the State Health Officer and Surgeon General.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 27th day of March, 2020.


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2020 MAR 27 PM 5:24
OFFICE OF THE SECRETARY OF STATE
TALLAHASSEE, FLORIDA

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-114

(Emergency Management – Extension of Executive Order 20-52 – COVID-19)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency due to COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, on March 25, 2020, President Donald J. Trump approved my request and declared a Major Disaster due to COVID-19 in Florida; and

WHEREAS, on April 29, 2020, after consulting with my Task Force to Re-Open Florida, I issued Executive Order 20-112, my “Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery”; and

WHEREAS, I, as Governor of Florida, am committed to providing all available resources and assisting all Floridians and our local communities with their efforts; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. The state of emergency declared in Executive Order 20-52, will be extended for 60 days following the issuance of this order for the entire State of Florida.

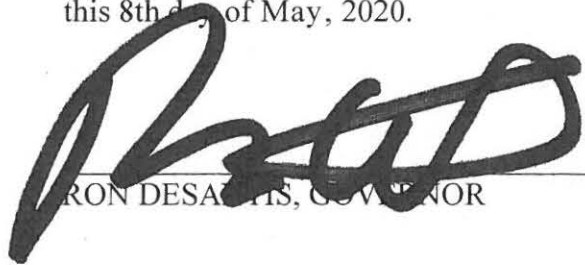
Section 2. To the extent Executive Order 20-112, Phase 1: Safe. Smart. Step-by-Step. Plan for Florida's Recovery, amended or extended any executive order related to COVID-19, the referenced executive orders shall remain in effect, as modified.

Section 3. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with the emergency.

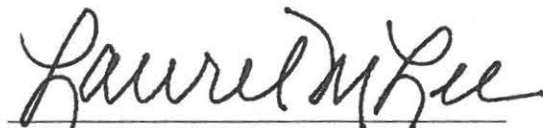
Section 4. Except as amended herein, Executive Order 20-52 is ratified and reaffirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 8th day of May, 2020.


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

FILED
2020 MAY - 8 AM 8:56
DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director

DATE: May 28, 2020

SUBJECT: Fisher Report on City-Wide Building Heights

I. BACKGROUND: On January 21, 2020, the City Council authorized Fisher Planning and Development Consultants to commence the attached report reviewing and analyzing city-wide building heights.

II. DISCUSSION: The requested report is attached for review by the City Council.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION: The City Land Use Attorney and Staff are available to answer questions regarding the report.

IV. RECOMMENDED MOTION: City Council Discretion

Attachments:

1. Destin Hight Efficacy Fisher Report

May 11, 2020

Efficacy of Building Height Regulations Report

Area of Analysis

This report is a study on the efficacy of building height regulations within Future Land Use Categories and Zoning Districts in the City of Destin, Florida. It includes an evaluation of data and conditions based on the following:

1. inspection of the City of Destin to inventory and gain understanding on the current development patterns within the City with respect to building layout, height/ density arrangement, and the noticeable affect these patterns of development have on the community landscape;
2. review of entitlement documents (development orders) provided by the City to understand how decisions about building height restricts and allowances have been made in the past;
3. review of the City's Comprehensive Plan and Land Development Code to understand how the policies and regulations implement building height restrictions throughout the City; and,
4. review of how other local governments have implemented building height regulations and how these cases may lend in helping the City of Destin discern opportunities and remedies to any constraints.

Current Built Environment

The City of Destin is split into two recognized areas of development. These include the "Old Destin Area" to the North of US Highway 98 and "New Destin" to the South of US Highway 98.

The "Old Destin Area" is primarily single-family residential homes, dotted with City parks and recreational activities, water access, and a low density, low height character. Closer to US Highway 98 on this North side, there are civic uses, commercial retail and service uses and some varying increases in building height.

New Destin includes commercial and retail uses and opportunities along with mixed-use commercial and residential. This side of Destin is adjacent to the ocean and harbor front and includes high rise multifamily residential and vacation rental buildings that

front the harbor and oceanfront access. There is still a presence of what may be considered “Old Florida” character along this are that includes original buildings with low height as well.

For this report, development orders were reviewed for 25 multifamily projects in the City. These range in height, density, and year of entitlement approval. Although they may have been approved years or even decades ago, it has taken time to develop them through the years and for many, multiple development order amendments have been approved and processed over time.

This is not an exhaustive list of multifamily or high-rise buildings in the City. It is a sample set of data from which this report analyzes trends through time. Older development approvals may not be readily available for similar buildings that were previously approved and constructed prior to the beginning year of this data set.

The table below reflects the development order date that entitled the maximum building height and density/intensity for each. The building height and density data is either taken directly from the development order or is extrapolated if not directly stated. Where no data is provided in the development order, it is stated below. The projects are listed in order of development approval year.

Development	Year Approved	Maximum Height (stories)	Density (LU/Ac or DU/Ac)
Waterview Towers	1990	8	20
Jade East	1991	18	22.68
Martinique (Island House)	1992	Not provided	8
Emerald Dunes	1993	6	16.13
Sterling Sands	1993	9	21
The Ultimate	1993	8	8.17
Harbor Lights	1994	8	19.4
Holiday Isle Towers	1994	13	13.1
Oceania	1994	10	10.82
Pelican Beach Resort/Terrace	1994	19	30.2
Crystal Dunes	1996	6	16.22
Destin Harbor Place	1996	6	10.95
Grand Harbor	1997	10	19.18
Seafarer	1997	4	20.5
Silver Shells	1997	14	16.73
Silver Beach Towers	1999	11	21.96
Sides Moreno Point	2000	7	17.7
Tides of Destin	2001	12	Not Provided
Harbor Landing	2002	12	14.03
Harborwalk Village/ Emerald Grande/ Captain's Court	2002	13	23.1
Marbella	2002	9	14
Signature Beach	2002	11	17.6
Palms of Destin	2004	12	39.6
1900 Ninety-Eight	2007	12	23.79
Henderson Beach Resort/Lofts	2009	5	Not Provided

Evaluation of Data

Out of this sample set of data, the greatest number of projects were issued development orders between 1990 and 1999. During this time, sixteen of the twenty-five developments were entitled by the City of Destin. The tallest buildings were also approved during this time, which was Jade East in 1991 at 18 stories in height and then Pelican Beach Resort/ Terrace in 1994 at 19 stories. Pelican Beach/ Terrace has the highest density of the developments at 30.2 units per acre (453 units over 15 acres).

Effects of Settlement Agreements

At least two developments that were approved in the 1990s realized height increases through settlement agreements that the City and developer entered. Harbor Landing was originally approved in 1997 with an average building height of 36 feet and density of 9.4 units per acre. In 2002, following a negotiated settlement agreement, Harbor Landing was then entitled for two buildings at 12 stories each and one building with 6 stories. The new density was calculated at 14.03 units per acre.

In 1993, Holiday Isle Towers was approved for 11 stories, then through a settlement agreement, in 1994 the entitlement was raised to 13 stories.

Fluidity of Height Policies and Regulations

Between 2000 and 2009, the other nine projects from this sample set were entitled in the City, with the tallest being Emerald Grande, part of Harborwalk Village in 2002 with 13 stories in height and a density of 23.1 units per acre. In the original development order for this project (DO-02-55) it was acknowledged that there was no maximum building height established for the Business Tourism (BT) Zoning District with a Future Land Use of Mixed Use (MU) at that time.

The allowable height was determined through a compatibility analysis. Based upon this compatibility analysis, the 13 stories were approved. It is interesting to note that the height was established by definition of the crown of the road of US Highway 98, which sits above the subject property, to the midpoint of the roof. If its height were to be determined by grade of the subject property itself (which is required by the Comprehensive Plan now), this would be higher than 13 stories.

The compatibility analysis determined that 13 stories could be supported based on similar projects that had previously been approved. These were Grand Harbor and Destin Yacht Club. The analysis stated that Emerald Grande at 152 feet in height was similar to both- taller than Destin Yacht Club, which was listed as 122 feet, 8 inches, but shorter than Grand Harbor list at 157 feet in the compatibility study accompanying the original Development Order (DO-02-55). The data in this compatibility analysis is perplexing because it does not match the development order and subsequent amendments issued for Grand Harbor.

The Grand Harbor entitlements came out of a court-order in 1996. The entitlements included approval for 10 stories (9 residential stories above grade and

one parking level below) at a maximum height of 135 feet above grade, for a total of 145 feet in height incorporating the below grade portion (DO-97-34). There were two amendments to the original development order provided for review and neither indicate additional height being entitled for the building of Grand Harbor.

The compatibility report prepared for Harborwalk (Emerald Grande) did not provide a source for the height listed for Grand Harbor at 157 feet but it is clear that it does not match the development order issued for Grand Harbor at 135 feet above grade or even at 145 feet incorporating the parking level below grade. This indicates that Emerald Grande, as proposed, would be taller than either building that were being used to justify compatibility within the proposed location.

Additionally, from a compatibility standpoint, the staff report/ consultant analysis from the DO-02-55 package indicates that at that time, the Land Development Code defined compatibility *“as a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.”*

The consultant performing the compatibility analysis goes on to state that *“...largely due to land ownership patterns, including the limited size of properties comprising the Harbor Redevelopment Area, no existing development within the redevelopment area, no other sites within the Destin Harbor Redevelopment Area have the available land resources to develop a multi-use project similar in scale to the subject proposal.”* This statement could be interpreted that, in fact, the proposed development was not compatible with the land uses and conditions within relative proximity.

The point of this discussion is not to belabor possible past evaluation errors or analyses, but it is to point out that compatibility analyses can be subjective and data interpreted based on something other than what may have been a clear understanding of entitlements at the time they were established. Without clearly established height maximums, a narrative can be written to support a development proposal that is allowable based on the fluidity of policies and regulations. If policies and regulations are more narrowly and objectively defined, it is more compelling to legally defend future denials of building heights that the City determines do not qualitatively or quantitatively fit into the character of the City.

Evaluation of Comprehensive Plan Policies and Land Development Regulations

Through evaluation of the Comprehensive Plan and Land Development Code regulations, it is clear that the City continues to strengthen both documents to drive compatible development within the City. The most recent updates to both include provision of architectural and site design standards.

These set out building placement on a property, along with fenestration and massing, open space components, transitions of use and interaction between the public and private realms. These are good tools for explicitly directing how a building performs on site; however, such standards do not directly speak to the issues of height and density allotment if these are sought to be regulated as an element of site design.

If a Comprehensive Plan and accompanying Land Development Code allow maximum densities and building heights that exceed the intent of development the City is seeking, a developer may be able to both meet the architectural and site standards while achieving the maximum intensity and height allowances. Then, if the City performs a review of such development and recommends denial based on the maximum height and density proposed, with all other design standards and conditions being met, this opens the City up to continued legal challenge and possible forced settlement agreements or court-ordered development entitlements that dictate a development pattern with a character not planned nor envisioned by the City.

Policy 1-2.1.7: Density and Intensity of Development in the Comprehensive Plan states:

“the maximum range of density and/or intensity stated in the Comprehensive Plan and in the Land Development Code may be further constrained by quantitative and qualitative criteria included in the Comprehensive Plan and Land Development Code...”

The policy continues in the text to list quantitative criteria; however, it is the qualitative that can be problematic because it can be subjective, and therefore debatable and legally arguable. This runs the risk of necessitating development settlement agreements or court-ordered development approvals as indicated in the discussion above.

Future Land Use Designations

There are three Future Land Use designations in the City that provide opportunity for maximum building height of 75 feet or six stories for mixed use (commercial and residential). These are the SHMU, TCMU, and NHMU

designations. The GRMU allows a maximum height for mixed use of 65 feet or five stories. For these as well as other designations allowing multifamily residential densities a maximum height of 50 feet or four stories is allowed.

Within the dataset of the 25 developments reviewed, nine of them are in the GRMU Future Land Use designation. Policy 1-2.4.3 (6) indicates that the GRMU Future Land Use is largely built-out and will be developed/redeveloped with infill projects. The same is stated for the HIMU designation.

The highest density maximum allowed in any designation is 24 units per acre. This is in the SHMU, GRMU, TCMU, and NHMU designations. For the mixed use component, the Comprehensive Plan allows a Floor Area Ratio (FAR) of 1.3 or 1.5. This may need to be re-evaluated as it is inconsistent with other policies that identify a density calculation instead of FAR for residential developments. There is no way to determine a set density allowed if only a FAR is provided, or at the very least the determination is subjective.

There are some inconsistencies between the maximum heights allowed in the Comprehensive Plan versus the Land Development Code, such as in HDR where the Comprehensive Plan caps the height at 50 feet or four stories but the Land Development Code allows 80 feet or seven stories. The Comprehensive Plan provides that these inconsistencies are in the process of being remedied, however.

Land Development Entitlement Process

When you read that there is potential, for example, within the SHMU Future Land Use designation to achieve a maximum height of 75 feet or six stories, neither the Comprehensive Plan nor the Land Development Code tell you how you can achieve this maximum. This can encourage the continued cycle of negotiated settlement agreements or court orders that may not be in the best interest of the City.

The SHMU designation in Policy 1-2.4.3 (3) states *“a major intent of the Comprehensive Plan is to preserve the “SHMU” area as a world-class fishing Village open to the public. Permitted uses include commercial transient living accommodations, retail, service, restaurant, office, similar commercial uses, and short-term residential uses.”* Table 1-13 sets out the height, density and FAR standards which allow the maximum 75 feet or six stories for commercial and mixed use development. Straight multifamily development is capped at 50 feet or four stories.

It is important to note that Emerald Grande was part of a mixed use development. There does not appear to be a policy or regulation that governs which components of a commercial or mixed use may achieve the maximum height of 75 feet nor does it stipulate which components must be capped to a height below 75 feet. In effect, there is nothing that states the multi-family residential component of a mixed use development shall be no taller than 50 feet or four stories. The City may want to revisit these policies to evaluate whether there is an inverted incentive here that a mixed use development may be proposed with limited, shorter commercial components proposed to achieve the 75 feet maximum for a residential component.

The Land Development Code identifies in Sec. 3.06.01 (A) that mixed use over 10,000 square feet or over 10 dwelling units per acres and all Planned Unit Developments are defined as Major Developments. This means that these projects must be approved by City Council in a public hearing process and a development order issued memorializing specific entitlements. This process is clearly defined, along with newly written design principles required.

It is not clearly defined how one may achieve the maximum densities the Comprehensive Plan allows for. The City may need to revisit these density policies to identify whether they are an incentive opportunity to achieve a more desirable mixed use development or if they are a hinderance to promoting the community character and design the City envisions.

Alternative Mechanisms for Density and Height Control

All local governments, as required by statutory obligation, set out density and intensity policies and regulations in their jurisdictions. These set out the desired development pattern limits and expectations to achieve a community character.

Community character is defined through the built environment, the economic environment and the myriad components that occupy the spaces between, such as demographics, transportation systems, and locational advantages (such as recreational resources of lakes, mountains, or ocean/beaches). These factors drive how each community approaches policies and regulations to ensure community character remains intact and is guided through time to elevate the desired character.

Some local governments effectuate density and intensity standards that are not fluid, seeking to ensure that the community character is not easily challenged or subjectively

argued through time without such challenge being considered by the electorate of the Community.

Two examples are discussed here for two coastal communities of a similar size to Destin that have restricted building height and density in their cities by placing the standards in their City Charters.

Vero Beach: in 1967, a pair of 13-story condominium buildings were constructed. At that time, the Code restricted building heights to no taller than five stories but the developer received a waiver from the Code to build taller. Residents of the City did not want to become a City of high-rises on the beachfront. Many iterations of code and a changing political landscape through time led to a City Charter amendment in 1989 that provides a cap on building heights and densities and requires any change to be done by voter referendum. (Begley, J. (2019, May 9). Centennial: Low-rise buildings, low density kept city, county appealing. TCPalm. Retrieved from <https://www.tcpalm.com/story/news/local/verobeachcentennial/2019/05/09/low-rise-buildings-define-vero-beach-over-years/1122092001/>).

Heights are limited to 35 feet (50 feet in the Downtown Business District) with a 15-foot allowance for customary appurtenances. The Charter specifically calls out that the density and height limit is based on their 1989 Code.

Vero Beach Charter language: Section 5.06. - Zoning limitations.

The building height limitations and density levels existing in the Zoning Ordinance of the City of Vero Beach, Florida, on August 15, 1989, shall not be increased by action of the city council unless such increase shall have first been approved by the electors of the City of Vero Beach, Florida, at a referendum proposing such a building height or density level increase. (Ord. No. 89-57, § 2, 8-15-1989)

Cocoa Beach: using a two pronged approach to control density and height in its City, Cocoa Beach controls these through the Charter by limiting height to 45 feet. If an individual property wants to request a height increase, then it must be done through a formal variance request to the City Commission in a public hearing, requiring substantiation of the request and majority affirmative vote of the Commission.

Cocoa Beach Charter language: Sec. 6.04. - Building height limit.

No structure, no part of any structure, and no attachment to any structure shall be erected to a height greater than forty-five (45) feet above crown of abutting road. Structures, if razed, shall be replaced only by structures which conform to the height limits of this section. No owners of structures destroyed or substantially damaged by explosion, fire, flood, wind, erosion, or other disaster shall be denied the right either to rebuild or to raze and rebuild to the same height in the same location. The city commission may grant a variance to individual parcels upon petition and proof that the variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of this section would result in unnecessary hardship. To grant such a variance, the city commission must make findings of fact that the petitioner has met the legal standards for variance as set forth in the City of Cocoa Beach Code of Ordinances, and the variance must be approved by a concurring vote of four (4) members of the city commission after due notice and public hearing. A request for variance will be considered after a written petition is submitted to the city commission indicating the grounds on which the variance is sought. After the petitioner has submitted a sufficient petition, the request must be scheduled for public hearing before the city commission as expeditiously as possible, and not earlier than thirty (30) days from the day of submission of a sufficient petition. Notice and hearing requirements for such variance shall be in accordance with the provisions for variance set forth in the City of Cocoa Beach Code of Ordinances. (Ord. No. 694, § 1, 3-18-1982; Ref. of 1-20-1998; Ord. No. 1173, § 2, 9-17-1998, ref. of 11-3-1998; Ord. No. 1343, § 1, 9-5-2002, ref. of 11-5-2002; Ord. No. 1483, § 1, 8-21-2008, ref. of 11-4-2008)

The second prong of regulating density and height through the Charter is by limiting the City's elected body from amending the Comprehensive Plan regarding density and height unless there is a unanimous vote to do so:

Sec. 6.07. - Comprehensive Plan adoption requirements.

Any adoption or amendment to the City of Cocoa Beach Comprehensive Plan, with the exception of issues increasing permissible building and structure height or allowable development density and/or intensity, shall require an affirmative vote by four (4) city commissioners. Any city comprehensive plan adoption or amendment that addresses increasing permissible building and

structure height or allowable development density and/or intensity shall require an affirmative vote by five (5) city commissioners. (Ord. No. 1344, § 1, 9-5-2002, ref. of 11-5-2002; Ord. No. 1483, § 1, 8-21-2008, ref. of 11-4-2008)

Because Sec. 6.04 expressly limits building heights to 45 feet, if the Commission voted under Sec. 6.07 to increase heights in the Comprehensive Plan, it would still require a voter referendum to change the charter regarding the 45-foot height limit.

Recommended Actions

There are one or more approaches the City of Destin may take to ensure density and height restrictions are meeting the intent of the City's policies and regulations. The following three are provided for the City's consideration:

1. **Status Quo-** The City of Destin Comprehensive Plan and implementing Land Development Code regulations are strong. One option is to maintain the current structure of the documents, continuing to make them stronger by reducing internal inconsistencies, further defining review and approval processes to include how the maximum density and height opportunities can be achieved objectively. Incentive opportunities to achieve higher densities or building height should be clearly defined as a safeguard to the City and a developer.
2. **Across the Board Height Limitation-** This could include a hybrid of maintaining status quo but setting more clearly defined limits. For example, if the 75 feet or six stories opportunity in the SHMU, TCMU, or NHMU is not something the City desires to allow, it should be redefined to something less, such as the 50 feet or four stories limit. This would be consistent with the majority of density and height restrictions for similar uses and Future Land Use designations.

Alternatively, if the City does want to allow greater height in those Future Land Use designations that it has identified are largely built out and will be infill, such as the GRMU designation, there could be a rational nexus to allowing the 65-foot or five stories building height if that is the community character that existing in that designation. This would enable some

flexibility for narrowly defined Future Land Use designations while maintaining the desired character throughout the other areas of the City.

3. **Charter Amendment-** Regulating building height and densities within a City Charter has proven to be a legally defensible and upheld method for these municipal powers, particularly in Florida. One of the things that makes this the strongest is that it is decided by the City's electorate through a voter referendum. The community not only is directly participating in this policy decision through public comment like they would at a land use public hearing before the City Council, they are casting a vote on the policy and regulatory decision.

This process will take time and budgeted funding as creating an education program regarding the Charter amendment will be needed and there will be cost associated with the voter referendum.

As is the cases with the differences between the Vero Beach and Cocoa Beach models, language for the Charter amendment to regulate building height and density can be tailored to meet the City's specific desires and needs with respect to limitations and methods for changes or increases to what is allowed.



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU: Lance Johnson, City Manager
Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

FROM: Joe Bodi, Engineering Asst. II

DATE: May 27, 2020

SUBJECT: Joe's Bayou Area Rights-of-Ways with Waterfront Access Inventory

I. BACKGROUND: Staff was requested to provide City Council an analysis of the following:

- Identify all Right-of-Ways (ROW) and disposition with water access to Joe's Bayou.
- What is the feasibility to improve these ROWs to access the water?

II. DISCUSSION: There are nine ROWs with Joe's Bayou waterfrontage identified below:

1. First Street (a.k.a) Joe's Bayou Boat Ramp

100' wide ROW

Kelly's Addition Subdivision, Platted 1953

Current Status: Already provides public water access. No separate pedestrian facilities to the beach area.

Action Needed: Provide pedestrian facilities to the beach area.

2. Fourth Street

100' wide ROW

Kelly's Addition Subdivision, Platted 1953

Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting and some unauthorized encroachments.

Action Needed: Minor clearing and grading required for sidewalk and pedestrian lighting construction to water is possible.

3. Sixth Street

66' wide ROW

Kelly's Addition Subdivision, Platted 1953

Current Status: Road is paved with no sidewalks or lighting. Several significant encroachments to the City's ROW and riparian areas that appear to predate City Incorporation.

Action Needed: Further investigation required to determine if it is feasible to provide pedestrian access to remaining waterfront.

4. Kelly Street

100' wide ROW

Kelly's Addition Subdivision, Platted 1953

Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.

Action Needed: Maintenance required to provide a view to the water.

5. Bayview Street

60' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: Road is paved with no sidewalks or lighting.

Action Needed: Grading from road to the water will require clearing and earthwork to make pedestrian facility ADA accessible.

6. Main Street

100' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.

Action Needed: Maintenance required to provide a view to the water.

7. Jupiter Street

66' wide ROW

Safe Harbor Subdivision, Platted 1966

Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting. Several minor encroachments to the City's ROW.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.

8. Harbor Lane West

60' wide ROW

Safe Harbor Subdivision, Platted 1966

Current Status: Road is paved with no sidewalks or lighting. Several encroachments to the City's ROW.

Action Needed: Grading from road to the water will require minor clearing and earthwork to provide sidewalk to the existing steps.

9. Cobb Point Drive

60' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: ROW is vacant and wooded.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.

A. **Link to Strategic Goals / Objectives:**

B. **Effect on Budget (EOB):**

C. **Level of Service (LOS):**

III. CONCLUSION:

The following are the nine water access ROWs on Joe's Bayou

- First Street (a.k.a.) Joe's Bayou Boat Ramp provides vehicle access to the water.
- Kelly Street and Main Street provide water view only.
- Sixth Street has significant encroachments and will require further investigation and possible Code Compliance or legal action to determine legitimacy of ROW use, prior to completing feasibility.
- The five remaining ROWs are feasible to provide public water access with varying degrees of construction.
- These unimproved ROW have many unauthorized encroachments.
- Fourth Street and Jupiter Street vehicle access looks like a private gravel driveway and not like a customary public roadway (asphalt, curbing, signage/stripping)

Potential Next Steps

- Survey and establish corners of the ROWs.
- Obtain City Council direction of how much access to provide. (Road, sidewalks, lighting, amenities, deck/dock?)
- Include as Project and cost estimate in Community Improvement Program (CIP).
- Obtain Consultant to design public accesses.
- Obtain Contractor to construct public accesses.

IV. RECOMMENDED MOTION: City Council Discretion

Attachments:

1. Joe's Bayou Area Rights-of-Ways
with Waterfront
2. Joe's Bayou CC



**Community
Development
Engineering
Division**

Phone: 850-654-1119

Fax: 850-460-2171

MEMORANDUM

DATE: May 28, 2020

TO: Lance Johnson, City Manager

THRU: Louis Zunguze, Community Development Director
Kimberly Kopp, City Land Use Attorney

FROM: Joe Bodi, Engineering Assistant II

SUBJECT: **Joe's Bayou Area Rights-of-Ways with Waterfront Inventory**

BACKGROUND:

Staff was requested to provide City Council an analysis of the following:

- Identify all Right-of-Ways (ROW) and disposition with water access to Joe's Bayou.
- What is the feasibility to improve these ROWs to access the water?

DISCUSSION:

There are nine ROWs with Joe's Bayou waterfrontage identified below:

1. **First Street (a.k.a) Joe's Bayou Boat Ramp**
100' wide ROW
Kelly's Addition Subdivision, Platted 1953
Current Status: Already provides public water access. No separate pedestrian facilities to the beach area.
Action Needed: Provide pedestrian facilities to the beach area.
2. **Fourth Street**
100' wide ROW
Kelly's Addition Subdivision, Platted 1953
Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting and some unauthorized encroachments.
Action Needed: Minor clearing and grading required for sidewalk and pedestrian lighting construction to water is possible.
3. **Sixth Street**
66' wide ROW
Kelly's Addition Subdivision, Platted 1953
Current Status: Road is paved with no sidewalks or lighting. Several significant encroachments to the City's ROW and riparian areas that appear to predate City Incorporation.
Action Needed: Further investigation required to determine if it is feasible to provide pedestrian access to remaining waterfront.
4. **Kelly Street**
100' wide ROW
Kelly's Addition Subdivision, Platted 1953
Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.
Action Needed: Maintenance required to provide a view to the water.

5. **Bayview Street**

60' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: Road is paved with no sidewalks or lighting.

Action Needed: Grading from road to the water will require clearing and earthwork to make pedestrian facility ADA accessible.

6. **Main Street**

100' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.

Action Needed: Maintenance required to provide a view to the water.

7. **Jupiter Street**

66' wide ROW

Safe Harbor Subdivision, Platted 1966

Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting. Several minor encroachments to the City's ROW.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.

8. **Harbor Lane West**

60' wide ROW

Safe Harbor Subdivision, Platted 1966

Current Status: Road is paved with no sidewalks or lighting. Several encroachments to the City's ROW.

Action Needed: Grading from road to the water will require minor clearing and earthwork to provide sidewalk to the existing steps.

9. **Cobb Point Drive**

60' wide ROW

Joe's Bayou First Addition Subdivision, Platted 1939

Current Status: ROW is vacant and wooded.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.

CONCLUSION:

The following are the nine water access ROWs on Joe's Bayou

- First Street (a.k.a.) Joe's Bayou Boat Ramp provides vehicle access to the water.
- Kelly Street and Main Street provide water view only.
- Sixth Street has significant encroachments and will require further investigation and possible Code Compliance or legal action to determine legitimacy of ROW use, prior to completing feasibility.
- The five remaining ROWs are feasible to provide public water access with varying degrees of construction.
- These unimproved ROW have many unauthorized encroachments.
- Fourth Street and Jupiter Street vehicle access looks like a private gravel driveway and not like a customary public roadway (asphalt, curbing, signage/striping)

Potential Next Steps

- Survey and establish corners of the ROWs.
- Obtain City Council direction of how much access to provide. (Road, sidewalks, lighting, amenities, deck/dock?)

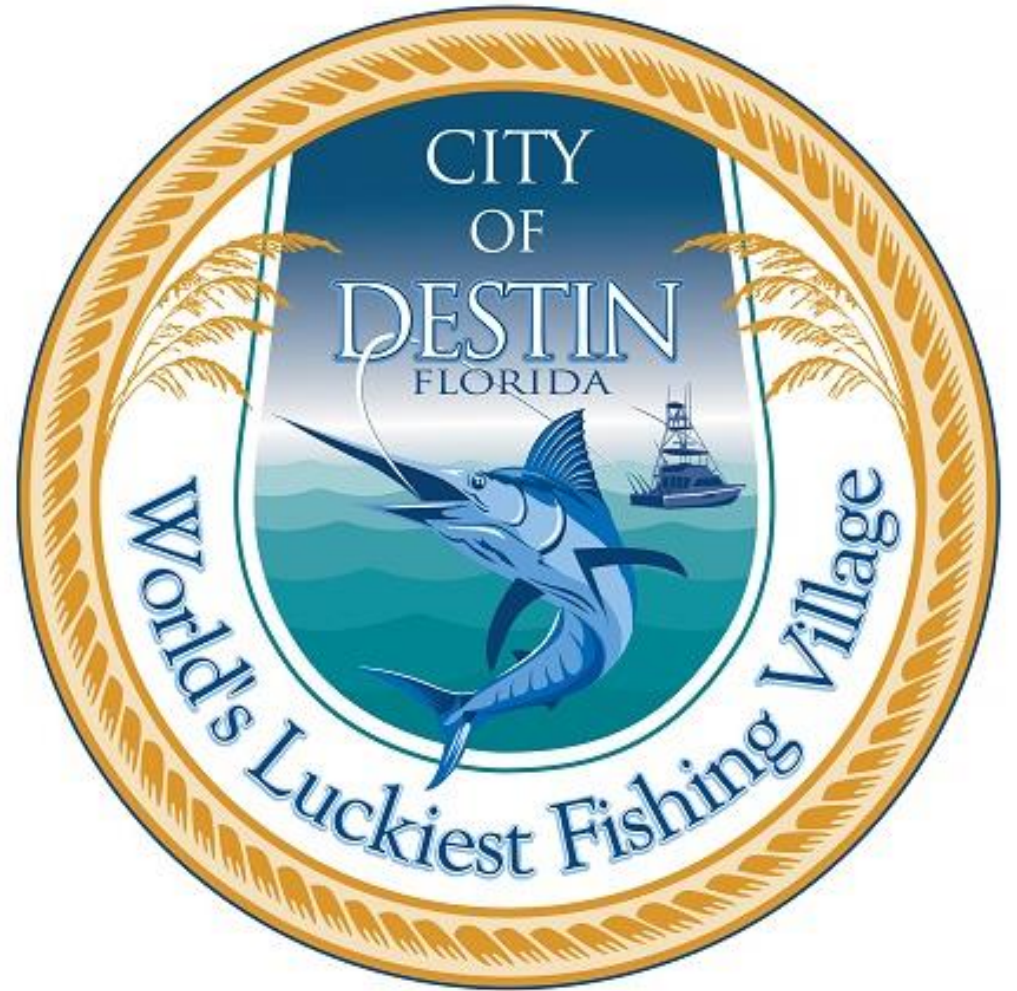
- Include as Project and cost estimate in Community Improvement Program (CIP).
- Obtain Consultant to design public accesses.
- Obtain Contractor to construct public accesses.

cc:

Webb Warren, Deputy City Manager
Lauren Witt, Principal Planner

Joe's Bayou Area

Right-of-Ways with
Water Access



City Council Requests

1. Identify all Right-of-Ways (ROW) with water access to Joe's Bayou and determine their status.
2. What is the feasibility to improve these ROWs to access the water?

There are nine
ROWs on Joe's
Bayou
waterfront.



1. First Street (a.k.a) Joe's Bayou Boat Ramp

100' wide ROW
Kelly's Addition Subdivision
Platted 1953

Current Status: Already
provides public water access, no
separate pedestrian access to
the beach area.

Action Needed: Pedestrian
access to the beach area.

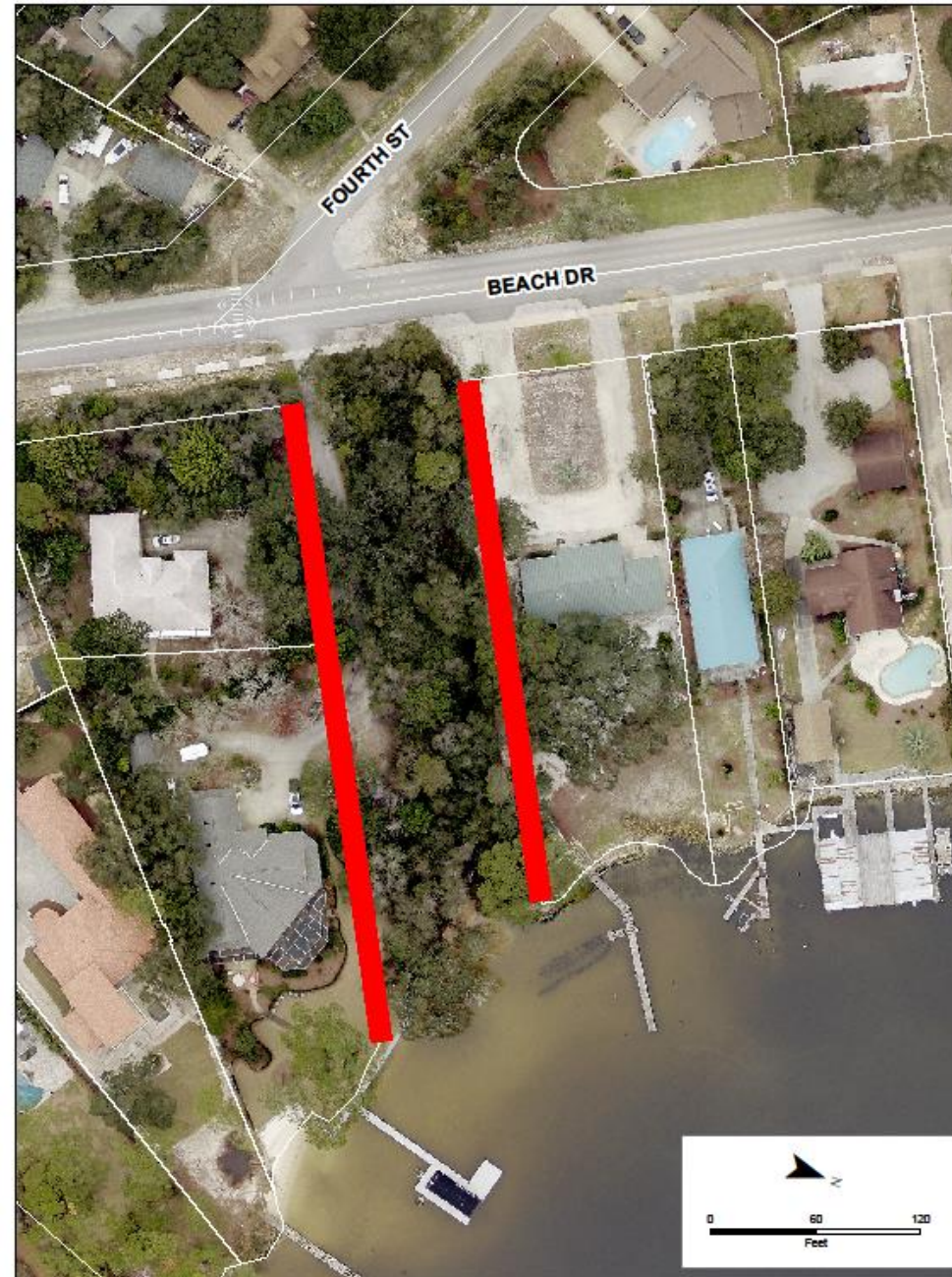


2. Fourth Street

100' wide ROW
Kelly's Addition Subdivision
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Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting and some unauthorized encroachments.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.



3. Sixth Street

66' wide ROW
Kelly's Addition Subdivision
Platted 1953

Current Status: Road is paved with no sidewalks or lighting. Several significant encroachments to the City's ROW and riparian areas that appear to predate City Incorporation.

Action Needed: Further investigation required to determine if it is feasible to provide pedestrian access to remaining waterfront.



4. Kelly Street

100' wide ROW
Kelly's Addition Subdivision
Platted 1953

Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.

Action Needed: Maintenance required to provide a view to the water



5. Bayview Street

60' wide ROW
Joe's Bayou First Addition
Subdivision
Platted 1939

Current Status: Road is paved with no sidewalks or lighting.

Action Needed: Grading from road to the water will require clearing and earthwork to make pedestrian walkway ADA accessible.



6. Main Street

100' wide ROW
Joe's Bayou First Addition
Subdivision
Platted 1939

Current Status: Vegetation is overgrown. City maintained drainage outfall in this area.

Action Needed: Maintenance required to provide a view to the water.



7. Jupiter Street

66' wide ROW
Safe Harbor Subdivision
Platted 1966

Current Status: ROW provides gravel access to the adjoining properties with no sidewalks or lighting. Several minor encroachments to the City's ROW.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.



8. Harbor Lane West

60' wide ROW
Safe Harbor Subdivision
Platted 1966

Current Status: Road is paved with no sidewalks or lighting. Several encroachments to the City's ROW.

Action Needed: Grading from road to the water will require minor clearing and earthwork to provide sidewalk to the existing steps.



9. Cobb Point Drive

60' wide ROW
Joe's Bayou First Addition
Subdivision
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Current Status: ROW is vacant and wooded.

Action Needed: Minor clearing required for sidewalk and pedestrian lighting construction to water is possible.



Conclusion

The following are the nine water access ROWs on Joe's Bayou

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Potential Next Steps

- Survey and establish corners of the ROWs.
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- Obtain Consultant to design public accesses.
- Obtain Contractor to construct public accesses.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: City Manager Report

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: Announcements

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020**TYPE OF AGENDA ITEM:** Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney

DATE: May 27, 2020

SUBJECT: Second reading of Ordinance 20-01-PC - Amending Chapter 6 of the City of Destin's Comprehensive Plan, "Coastal Management Element", providing updates to the Coastal Management Element pursuant to State law.

I. BACKGROUND:

The Evaluation and Appraisal (EAR) of the Coastal Management Element of the City's Comprehensive Plan was sent to the Florida Department of Economic Opportunity (DEO) for a 60-day review period on January 23, 2020. The State's response, dated April 3, 2020, provided comment and recommendations on new, revised, or additional policy updates, pursuant to the requirements of Chapter 163.3191, Florida Statutes.

II. DISCUSSION: State's Recommendation:**• Revise proposed amendment to Policy 6-1.17.1: Reduce Flood Risk**

1. Include specific development and redevelopment principles, strategies, and engineering solutions consistent with 163.3177(2)(f)1., Florida Statutes.
2. Require implementation of the identified principles, strategies, and engineering solutions.

Staff's Revision:**• Revise proposed amendment to Policy 6-1.17.1: Reduce Flood Risk**

1. Staff included reference to the Flood Resistant Design and Construction Standards (ASCE 24), published by the American Society of Civil Engineers.
2. Staff struck through "promote" and included, "actively enforce"

State's Comment:**• Adaption Action Area (AAA) Policy 6-1.7.5**

1. The State comments include considering a date by which the mapping of the AAA will occur.

Staff's Revision:

• **Adaption Action Area (AAA) Policy 6-1.7.5**

1. Staff set a date for completion by Fiscal Year 2022

State's Comment:

• **Shoreline Armoring Policy 6-1.1.8**

1. The City should confer with its attorney to whether to revise the proposed amendment to Policy 6-1.1.8 to be consistent with Section 166.033(5), Florida Statutes.

Staff's Revision:

• **Shoreline Armoring Policy 6-1.1.8**

1. The City's current policy was determined to be consistent with Section 166.033 (5), Florida Statutes. No amendment necessary.

A. **Link to Strategic Goals / Objectives:**

B. **Effect on Budget (EOB):** There is not any anticipated effect on the budget.

C. **Level of Service (LOS):** There is not any anticipated effect on LOS.

III. CONCLUSION: On January 9, 2020, the City's Local Planning Agency (LPA) held a Public Hearing recommending approval of Ordinance 20-01-PC. On January 21, 2020, City Council approved Ordinance 20-01-PC at First Reading. City Staff has incorporated the State's recommendations and comments into Ordinance 20-01-PC. This Ordinance is a result of the Evaluation, Appraisal, and Review (EAR) of the Coastal Management Element of the City's Comprehensive Plan, and includes the State mandated policy updates pursuant to the requirements of Chapter 163.3191, F.S.

Staff recommends approval of Ordinance 20-01-PC and to direct Staff to distribute the ordinance and City response to the State Department of Economic Opportunity.

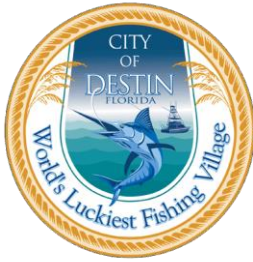
IV. RECOMMENDED MOTION: I move to approve proposed ordinance 20-01-PC and direct Staff to distribute the ordinance and City response to the State Department of Economic Opportunity.

Attachments:

1. Evaluation and Appraisal Coastal

Management Element Staff Report
FINAL

2. CTY. DESTIN 20-01ER (P) ORC
3. EAR_Coastal Management
Element_FINAL
4. Coastal Element Ordinance 20-01-PC
FINAL



COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

CITY COUNCIL MEETING DATE: June 1, 2020**TYPE OF AGENDA ITEM:** Staff Report and Recommendation

TO: City Council**THRU:** Lance Johnson, City Manager**FROM:** Louis Zunguze, Community Development Director
Kimberly Kopp, Land Use Attorney**DATE:** May 26, 2020**SUBJECT:** Ordinance 20-01-PC Evaluation, Appraisal, and Review (EAR) of the Coastal Management Element of the City's Comprehensive Plan

I. BACKGROUND:

The Evaluation and Appraisal (EAR) of the Coastal Management Element of the City's Comprehensive Plan was sent to the Florida Department of Economic Opportunity (DEO) for a 60-day review period on January 23, 2020. The State's response, dated April 3, 2020, provided comment and recommendations on new, revised, or additional policy updates, pursuant to the requirements of Chapter 163.3191, Florida Statutes.

II. DISCUSSION:**State's Recommendation:**

- **Revise proposed amendment to Policy 6-1.17.1: Reduce Flood Risk**
 1. Include specific development and redevelopment principles, strategies, and engineering solutions consistent with 163.3177(2)(f)1., Florida Statutes.
 2. Require implementation of the identified principles, strategies, and engineering solutions.

Staff's Revision:

- **Revise proposed amendment to Policy 6-1.17.1: Reduce Flood Risk**
 1. Staff included reference to the *Flood Resistant Design and Construction Standards (ASCE 24)*, published by the American Society of Civil Engineers.
 2. Staff struck through "promote" and included, "actively enforce"

State's Comment:

- **Adaption Action Area (AAA) Policy 6-1.7.5**
 1. The State comments include considering a date by which the mapping of the AAA will occur.

Staff's Revision:

- **Adaption Action Area (AAA) Policy 6-1.7.5**
 1. Staff set a date for completion by Fiscal Year 2022

State's Comment:

- **Shoreline Armoring Policy 6-1.1.8**
 1. The City should confer with its attorney to whether to revise the proposed amendment to Policy 6-1.1.8 to be consistent with Section 166.033(5), Florida Statutes.

Staff's Revision:

- **Shoreline Armoring Policy 6-1.1.8**
 1. The City's current policy was determined to be consistent with Section 166.033 (5), Florida Statutes. No amendment necessary.

III. CONCLUSION:

On January 9, 2020, the City's Local Planning Agency (LPA) held a Public Hearing recommending approval of Ordinance 20-01-PC. On January 21, 2020, City Council approved Ordinance 20-01-PC at First Reading. City Staff has incorporated the State's recommendations and comments into Ordinance 20-01-PC. This Ordinance is a result of the Evaluation, Appraisal, and Review (EAR) of the Coastal Management Element of the City's Comprehensive Plan, and includes the State mandated policy updates pursuant to the requirements of Chapter 163.3191, F.S.

IV. RECOMMENDATION:

Staff recommends approval of Ordinance 20-01-PC and to direct Staff to distribute the ordinance and City response to the State Department of Economic Opportunity.

V. RECOMMENDED MOTION:

I move to approve proposed ordinance 20-01-PC and direct Staff to distribute the ordinance and City response to the State Department of Economic Opportunity.

Attachments:

- a) Ordinance 20-01-PC State Submittal Packet, dated January 23, 2020
- b) State response letter, dated April 3, 2020

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

April 3, 2020

The Honorable Gary Jarvis
Mayor, City of Destin
4200 Indian Bayou Trail
Destin, Florida 32541

Dear Mayor Jarvis:

The Department of Economic Opportunity ("Department") has completed its review of the proposed comprehensive plan amendment for the City of Destin (Amendment No. 20-01ER), which was received and determined complete on February 3, 2020. We have reviewed the proposed amendment in accordance with the state coordinated review process set forth in Sections 163.3184(2) and (4), Florida Statutes (F.S.), for compliance with Chapter 163, Part II, F.S.

The attached Objections, Recommendations, and Comments Report outlines our findings concerning the amendment. We have identified an objection and have included recommendations regarding measures that can be taken to address the objection. We are also providing two comments. The comments are offered to assist the local government but will not form the basis for a determination of whether the amendment, if adopted, is "In Compliance" as defined in Section 163.3184(1)(b), F.S. Copies of comments received by the Department from reviewing agencies, if any, are also enclosed.

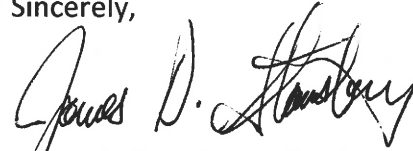
The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for final adoption and transmittal of the comprehensive plan amendment. **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of the Department's attached report, or the amendment will be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(4)(e)1., F.S.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.FloridaJobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

Department staff is available to assist the City to address the objection and comments. If you have any questions related to this review, please contact Dan Evans, Planning Analyst, by telephone at (850) 717-8484 or by email at dan.evans@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with the first name "James" and last name "Stansbury" clearly legible.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/de

Enclosures: Objections, Recommendations, and Comments Report
Procedures for Adoption
Reviewing Agency Comments

cc: Louis Zunguze, Director, Destin Community Development Department
Austin Mount, Executive Director, Emerald Coast Regional Council

**Objections, Recommendations and Comments Report
Proposed Comprehensive Plan Amendment
City of Destin 20-01ER Proposed Amendment**

The Department of Economic Opportunity has identified an objection and two comments regarding the City of Destin's proposed comprehensive plan amendment. The objection and comments are provided below, along with recommended actions the City could take to resolve issues of concern. If the City adopts the plan amendment without adequately addressing the objection, the Department may find the amendment not in compliance with Chapter 163, Part II, Florida Statutes (F.S.), pursuant to section 163.3184(4)(e)4., F.S. Comments are offered to assist the local government and will not form the basis for a compliance determination.

Department staff has discussed the basis of the report with local government staff and is available to assist the City to address the objection and comments.

I. Objection: Principles, Strategies and Engineering Solutions to Address Coastal Flooding.

Section 163.3178(2)(f)1., Florida Statutes, requires that the Coastal Management Element "Include development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk in coastal areas which results from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea-level rise." To address this requirement, the City proposes adopting the following policy:

Policy 6-1.17.1: Reduce Flood Risk. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea level rise, the City will continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations.

The proposed policy does not satisfy the statutory requirement because (1) it does not identify any specific development and redevelopment principles, strategies or engineering solutions to be implemented by the City, (2) it defers establishment of those principles, strategies and engineering solutions to the Land Development Code instead of including them in the City's comprehensive plan, and (3) it does not require implementation of any such principles, strategies and engineering solutions but merely "promotes" their use. As a result, the proposed plan amendment also does not provide meaningful and predictable standards for the use and development of land in the City or meaningful guidelines for the content of more detailed land development and use regulations.

Statutory Authority: Sections 163.3177(1), 163.3178(2)(f)1., and 163.3184(4) and 163.3191, Florida Statutes.

Recommendations: Revise the proposed amendment to:

1. Include specific development and redevelopment principles, strategies and engineering solutions consistent with Section 163.3177(2)(f)1., Florida Statutes; and
2. Require implementation of the identified principles, strategies and engineering solutions instead of merely promoting their use.

ORC
REPORT

II. Comments:

Comment 1: Adaption Action Areas

Proposed Coastal Management Element Policy 6-1.7.5 provides that the City will identify for designation as Adaptation Action Areas portions of the City with land elevations that are below, at or near mean high water which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge. In order to provide meaningful and predictable standards for the use and development of land, the City should consider adding a date by which the mapping of these areas will occur.

Comment 2. Shoreline Armoring; Statutory Requirement

The proposed amendment to Coastal Management Element Policy 6-1.1.8 provides, in part, that the City's seriously-eroding shorelines may be temporarily or permanently armored pursuant to conditions in the Land Development Code which include a requirement that a permit for such armoring has been issued by the Florida Department of Environmental Protection. Section 166.033(5), Florida Statutes, provides: "For any development permit application filed with the municipality after July 1, 2012, a municipality may not require as a condition of processing or issuing a development permit or development order that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the municipal action on the local development permit." The City should confer with its attorney to determine whether to revise the proposed amendment to Policy 6-1.1.8 to be consistent with Section 166.033(5), Florida Statutes.

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR STATE COORDINATED REVIEW

Section 163.3184(4), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format;

_____ In the case of future land use map amendment, an adopted future land use map, **in color format**, clearly depicting the parcel, its existing future land use designation, and its adopted designation;

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for state coordinated review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be the date the state land planning agency posts a notice of intent determining that this amendment is in compliance. If the amendment is timely challenged, or if the state land planning agency issues a notice of intent determining that this amendment is not in compliance, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity to the ORC report from the Department of Economic Opportunity.

From: [Plan Review](#)
To: [Eubanks, Ray](#); [DCPexternalagencycomments](#)
Cc: [Plan Review](#)
Subject: [EXTERNAL] - Destin 20-01ER Proposed
Date: Monday, March 02, 2020 4:31:53 PM
Attachments: [image002.png](#)

To: Ray Eubanks, DEO Plan Review Administrator

Re: Destin 20-01ER – State Coordinated Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to plan.review@floridadep.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.





Florida Department of Transportation

RON DESANTIS
GOVERNOR

District Three Planning Department
1074 Highway 90
P.O. Box 607, Chipley, FL 32428
Phone: (850) 638-0250

KEVIN J. THIBAUT, P.E.
SECRETARY

March 2, 2020

Mr. Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison - MSC 160
Tallahassee, Florida 32399-4120

RE: Proposed Destin Comprehensive Plan Amendment 20-01 ER

Dear Mr. Eubanks:

Pursuant to Section 163.3184(4), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) has reviewed the proposed amendment 20-01 ER to the City of Destin Comprehensive Plan.

The amendment proposes modifications to the Coastal Management Element of the City of Destin Comprehensive Plan in accordance with recommendations from an Evaluation and Appraisal Report. The proposed text modifications are not anticipated to impact the transportation network.

FDOT determined that the proposed amendment has no significant adverse impacts to transportation resources or facilities of state importance. Please transmit a copy of the amendment, along with the supporting data and analysis, to the District upon its adoption.

Thank you for coordinating on the review of this proposed amendment with FDOT. If you have any questions, please do not hesitate to contact me by email at Ray.Kirkland@dot.state.fl.us or (850) 330-1590.

Sincerely,

Ray Kirkland, FDOT D3
Planning Department

cc: Jennifer Carver, FDOT Central Office, Office of Policy Planning
Courtney Dempsey, City Administrator, City of Carrabelle

EVALUATION AND APPRAISAL REPORT COASTAL MANAGEMENT ELEMENT COMPREHENSIVE PLAN



THE CITY OF DESTIN
4100 Indian Bayou Trail
Destin, Florida 32541
(850) 837-4242

January 16, 2020

**EVALUATION AND APPRIASAL REPORT
COASTAL MANAGEMENT ELEMENT
COMPREHENSIVE PLAN**

CITY COUNCIL

Gary Jarvis – Mayor
Prebble Ramswell – Council Member
Rodney Braden – Council Member
Parker Destin – Council Member
Steven Menchel – Council Member
Cyron Marler – Council Member
Chatham Morgan – Council Member
Skip Overdrier – Council Member

PREPARED BY:

Community Development Department
A Louis Zunguze, Director

CONSULTANT TEAM:

3TP VENTURES

CONTRIBUTING STAFF:

Administration

Lance Johnson, City Manager
Webb Warren, Deputy City Manager
Rey Bailey, City Clerk

Public Services Department

Michael Burgess, Director

Community Development Department

Lauren Witt, Principle Planner
Traci Goodhart, Planner

Parks and Recreation Department

Lisa Firth, Director

Land Use Attorney

Kimberly Romano Kopp, Esq.
Romano Kopp Law, P.A.

Public Information Department

Catherine Card, Manager

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INTRODUCTION

The City of Destin periodically reviews its Comprehensive Plan, pursuant to Section 163.3191, Florida Statutes, to ensure that it appropriately reflects current and anticipated conditions, embodies a community vision, targets major issues that the City must address in the short and long term, complies with state statutes and rules, and is consistent with state and regional policy plans. This review culminates in the preparation of an Evaluation Appraisal Report (EAR).

The EAR for the Coastal Management Element of the City's Comprehensive Plan was prepared by the City's Community Development Department. The review process began in September 2019. A workshop was hosted by the Local Planning Agency (LPA) on December 12, 2019, to review and appraise the Coastal Management Element policies relative to state legislative requirements. The review and appraisal were brought before the LPA for consideration on January 9, 2020, and for final approval before City Council, January 21, 2020.

COMMUNITY PROFILE

The City of Destin is located in northwest Florida on the Gulf of Mexico between Fort Walton Beach and Panama City. Historically known as a fishing village, the City has become a major tourist destination. Located in Okaloosa County, the City's land area spans approximately 7.7 square miles, or 4,894 acres. Highway US 98 is the major east/west transportation corridor in the City providing connectivity to neighboring communities in Santa Rosa and Walton counties, as well as further east to Panama City in Bay County. The primary north-south corridor traversing Choctawhatchee Bay is County Road 293, also known as the Mid-Bay Bridge.

The City, which was originally chartered as a municipality in 1984, operates under a Council-Manager form of government. For Fiscal Year 2020, the City had 96 total employees that provide a multitude of municipal services, including an exceptional library. In addition to the library, major community facilities in the City include the Destin Community Center, Morgan Sports Complex, one public school, one golf course, a municipal boat ramp, and ten parks, including Henderson Beach State Park. Additionally, the Destin-Ft. Walton Beach Airport, a general aviation public-use facility, is located within city limits.

The City of Destin is one of nine municipalities in Okaloosa County. In 2018, the estimated population of the City was 14,077 (permanent residents) and its population density was 1,600.

EAR PURPOSE STATEMENT

Chapter 163.3191, FS, requires local governments to prepare an EAR of their adopted Comprehensive Plan every seven years. The purpose of the EAR is to evaluate the Plan's progress in addressing major growth and development-related issues, identify changed conditions since the time the Plan was last updated, and determine if amendments to the Plan are needed to address the identified major issues and changes.

Specifically, the purpose of the EAR is to:

- Identify major issues for the City;
- Review past actions of the City government in implementing the Plan since the last EAR;
- Assess the degree to which Plan objectives have been achieved;
- Assess both successes and shortcomings of the Plan;
- Identify ways that the Plan should be changed;
- Respond to changing conditions and trends affecting the City;
- Respond to the need for new data;
- Respond to changes in state requirements regarding growth management and development;
- Respond to changes in regional plans; and
- Ensure effective intergovernmental coordination.

PUBLIC PARTICIPATION

The Local Planning Agency (LPA) held an advertised workshop on December 12, 2019 to receive public input and make recommended changes and updates to the Coastal Management Element of the City's Comprehensive Plan.

On January 9, 2020, the LPA held an advertised, formal public hearing to make recommendation to the City Council regarding proposed Ordinance 20-01-PC: Evaluation and Appraisal Review of the Coastal Management Element.

Proposed Ordinance 20-01-PC was presented to City Council at an advertised, formal public hearing on January 21, 2020 for consideration and approval (first reading).

EVALUATION AND APPRAISAL: COASTAL MANAGEMENT ELEMENT

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS. Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs.

The City has initiated a Beach Acquisition Program. This program, utilizing a combination of City funds and grants from community partners and state and federal programs, is intended to purchase beachfront properties (some of which are currently developed) to provide additional recreational opportunities for both citizens and tourists. The City continues to evaluate opportunities to acquire or establish bayfront parks through state and federal programs. Three recent acquisitions include, the 3.9-acre Cemex plant to expand the Joe's Bayou Recreational Area, the new 3.4-acre Captain Leonard Destin Park and the Norriego Point park projects.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.7: Require Pump-out Facilities. The City shall explore opportunities for a pump-out program.

The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB)) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP to plant coastal vegetation and sea oats along shoreline beaches. The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.

The City provides funding to the Choctawhatchee Basin Alliance (CBA) to support coastal vegetation propagation, planting and related educational programs. The City has also taken remedial action to stabilize the coastal dune system and restore coastal vegetative habitat found along Norriego Point. The restoration metrics include:

- 115,000 cubic yards of sand, adding approximately 7 acres of land area
- 117,995 Sea Oat (*Uniola paniculata*) plants
- 18,916 Panic grass (*Panicum sp.*) plants

- 12,077 Beach Elder (*Iva imbricata*) plants
- 12,077 Railroad Vine (*Ipomoea pes-caprae*) plants
- 12,077 Sea Purslane (*Sesuvium portulacastrum*) plants

To further protect the City's coastal dunes, City Staff plans to propose an Ordinance, early 2020, that establishes penalties for the destruction of dune vegetation.

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall annually evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. (Language that duplicated 6-1.4.5 was removed.)

The City has an Army Corp of Engineers (ACOE) dredging permit that may be used to re-nourish beachfront, however due to pending litigation, any potential action associated with the permit has been delayed. In addition, the City partners with the Okaloosa County Tourist Development Council, providing a portion of the City's bed tax revenue for beach nourishment projects.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The LDC shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

The City has 5 beach parks and 8 beach trail points within the City limits. Contingent on available funds and need, the City shall provide beach and dune walkovers on any public rights-of-way or easements which provide public access to the beach or shoreline (Article 11.02.00.B). The City has dedicated RESTORE Act and Triumph funding to renovate existing park infrastructure for the Captain Leonard Destin Park. In 2015, the Trust for Public Land purchased the 3.42-acre property at 101 Calhoun Avenue with Natural Resource Damage Assessment (NRDA) early restoration funds with a vision to create more public space and provide public access to the shoreline, while preserving the history of the Destin community. Upon completion, the Trust for Public Land will donate the park to the City along with operations and maintenance funds for 10 years. The City's rezoning of waterfront property in Bay Estates, to Recreational will provide additional public access to the Choctawhatchee Bay shoreline areas. The City recently purchased a 3.9-acre waterfront parcel to expand the existing Joe's Bayou Recreational Area. The City continues to pursue grant and federal funding to develop this area into a public waterfront recreational area.

The City of Destin provided \$2.3 million in matching funds, as part of a 2008 Florida Forever grant to acquire a 0.77-acre waterfront parcel for Royal Melvin Park. The park will be the City's gateway to the harbor with a pedestrian walkway to Destin's waterfront amenities. It will have a nature observation area, plaza for public events, transient boat slips, canoe/kayak launch areas and interpretive signage. This project will preserve a park on Destin's historical working waterfront.

Policy 6-1.4.5: Coordinate with TDC and Board of County Commissioners. ¹ Prior to the next EAR, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to participate in a joint-study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.

The City of Destin is investing \$2 million dollars towards its public beach initiative. This is a top priority for the City to sustain our long-term economic vitality and deliver upon our beach brand. The City is working with the Tourist Development Council (TDC) which has earmarked \$6.5 million towards the initiative. The City is currently working with the Emerald Coast Conventions & Visitors Bureau to obtain tourism information. In addition, City Staff is working with the University of West Florida's Haas Center, to create a questionnaire/survey related to beach access to send to our visitors (through property management companies) which will aide in our efforts to provide more detailed information that will be crucial in seeking additional funding to purchase waterfront property. Several appraisals have been secured for beachfront properties within the City's Crystal Beach area. Beach front property to be purchased by the City of Destin is dependent upon funding from local, state, and federal partners.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and/or state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas.

The City of Destin's Floodplain Management Standards now exceed the minimums of the National Flood Insurance Program (NFIP). City standards require for new homes to be elevated at least 1 foot above the crown of the highest adjacent road. A two-foot free board requirement was adopted by City Council in 2018. The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by Florida Building Code. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the City Land Development Code (LDC) and the Florida Building Code.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. Prior to the next EAR, the City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

The City's Land Development Code (Article 2.27.00; 13.00.00, LDC) includes administrative procedures for intergovernmental review of developments proposed within the City limit, to ensure consistency with the Okaloosa County Hurricane Evacuation Plan. In addition, the City's Future Land Use Map and LDC encourage low population densities in coastal high hazard areas.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study). Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation.

The City of Destin is a participating member of the Okaloosa-Walton Transportation Planning Organization (OWTPO). Highway 98 and the Mid-Bay Bridge serve as the only means of exiting Destin. Highway 98 is currently being widened to accommodate additional travel lanes. The Mid-Bay Bridge remains two-lanes and is a chokepoint during evacuations.

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA. The City shall limit public expenditures that subsidize private development permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach re-nourishment activities, may be permitted where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.

The City maintains a list of Critical Facilities under its National Flood Insurance Program (NFIP) and Community Rating System (CRS) program. The list was last updated in 2018, to include; schools, public safety buildings, municipal, and healthcare facilities.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with Okaloosa County and Walton County in hurricane evacuation through the implementation of the following policies:

Policy 6-1.9.1: Utilize Emergency Management Plans. Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.

Updated Policy per FS 163.3178(2)(d) - The State Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City shall plan the construction of an alternative east-west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available FDOT funds to support construction of a alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

The City has redesigned its alternative east -west corridor (Cross Town Connector) to be consistent with land use densities. The proposed route will serve as an alternative roadway to reduce congestion along Highway 98 in the event of a mandatory evacuation. The project design will be provided to City Council early in 2020.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall annually perform a hurricane clearance time analysis as part of the City's annual transportation concurrency review. As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.

The City conducts, each year a Transportation Concurrency Analysis and produces a report. The concurrency report details levels of service for various collector streets and roads within the City limits to better inform hurricane evacuation clearance times.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE. The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.4: Enhance Waterfront Access ¹. Prior to the next EAR, the City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.

The City has developed cost comparative metrics for several potential beach property acquisitions. Contingent on available funds and need, the City shall provide beach and dune walkovers on any public rights-of-way or easements which provide public access to the beach or shoreline (Article 11.02.00.B). The City has dedicated RESTORE Act funding to renovate existing park infrastructure and to purchase bayfront property for the Captain Leonard Destin Park. In addition, the City's proposed rezoning of waterfront property in Bay Estates, to Recreational will provide additional public access to shoreline areas.

In addition, the City of Destin continues to work with the FDEP to utilize RESTORE Act funding in the stabilization and future development of recreational opportunities in the Norriego Point recreational area. The project focus is the restoration and stabilization of the dune system on Norriego Point, while enhancing recreational waterfront public access.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the Northwest Florida Water Management District (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.

The City of Destin and Okaloosa County have an Interlocal Agreement, effective July 2002, establishing a unified concurrency methodology for evaluating traffic impacts within the established Unified Transportation Concurrency Management System (UTCMS) area. The Interlocal Technical Review Committee (ITRC) is responsible for reviewing and implementing the UTCMS, in addition to reviewing emergency preparedness and hurricane evacuation issues.

Article 11, Coastal Management and Conservation of the City's Land Development Code establishes protections for both the Gulf and Bay Shoreline Protection Zones. All activities within the established zones are coordinated with the USACE and FEDP as appropriate.

The City of Destin continues to work with the FDEP to utilize RESTORE Act funding to provide enhanced public access. Future development of recreational opportunities in the Norriego Point recreational area will focus on the restoration and stabilization of the dune system on Norriego Point, while enhancing public access to the recreational waterfront.

B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWFMD, the West Florida Regional Planning Council (WFRPC), and other federal, state, and regional agencies as may be appropriate in managing the following activities:

1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.
2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
3. The City shall coordinate with technical staff within FDEP and NFWFMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
4. The City shall coordinate with the NFWFMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.

The City continues to coordinate all development and resource conservation measures impacting the Gulf or Choctawhatchee Bay with local, state and federal agencies, as necessary. The City's Technical Review Committee (TRC), is made up of both internal and outside agencies (i.e., County government, utilities). The TRC is tasked with reviewing all proposed development and redevelopment within the City. Any development proposed near environmentally sensitive lands or State jurisdictional areas is required to have the necessary state and federal permitting, in addition to meeting City land development requirements.

C. The City shall coordinate on a continuing basis with the WFRPC in preparing the Comprehensive Plan and amendments to ensure consistency with the WFRPC Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the WFRPC. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

The City continues to coordinate with public agencies having jurisdiction in the management of potentially impacted natural resources, in addition to consulting with the Emerald Coast Regional Council (ECRC), formerly the West Florida Regional Planning Council (WFRPC) to ensure consistency with regional planning efforts.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The Coastal Management Element incorporates a systematic planning process to identify coastal management problems and issues and implement corrective actions.

The City's coastal management goals, objectives, and policies are supported in the City Land Development Code and Comprehensive Plan (Article 11, LDC; Chapter 6, Comprehensive Plan). The Coastal Management Element outlines the planning process to identify coastal management issues, through required intergovernmental coordination at the local, state, and federal level. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management.

ORDINANCE 20-01-PC: COASTAL MANAGEMENT ELEMENT

ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance is Section 1.01 of the City Charter; Chapter 163, Part II, *Florida Statutes*; Sections 166.021 and 166.041, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

Whereas, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

Whereas, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter "Community Planning Act") the City of Destin has adopted and has in effect a Comprehensive Plan; and

Whereas, section 163.3191, Florida Statutes, requires local governments to perform an evaluation and appraisal of its Comprehensive Plan every seven years; and

Whereas, the City Council of the City of Destin is required by law to perform a current evaluation and appraisal of its Comprehensive Plan; and

Whereas, the City Council of the City of Destin has determined that section 163.3178, Florida Statutes, requires that certain updates be made to the Coastal Element of the City of Destin's Comprehensive Plan to address sea level rise and development in coastal and flood-prone areas; and

Whereas, the City Council has determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of City residents, as well as prevent hazards to persons, property, and vehicles traveling the City's highways, roads and streets; and

Whereas, the City's beaches attract people and families who travel from near and far to enjoy the coastal environment, breathe the fresh air, exercise, play or relax on the sand or in the water, and engage in other recreational activities; and

Whereas, tourism is a major contributor to the economic health of the City overall and the City desires to support the tourism industry while also seeking to improve the quality of life of City residents; and

Whereas, tourists and residents alike enjoy the City’s pristine beaches, fertile fishing areas, and critical environmental habitats; and

Whereas, the City Council seeks to make the City of Destin a livable, healthy, economically robust community with safe, convenient access to roadways and parking; and

Whereas, the City Council, to ensure the City’s orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the needs and conditions within the City; and

Whereas, the Comprehensive Plan affects the City as a whole, which affects the general health, natural beauty, public safety, smart growth, and the welfare and wellbeing of City residents; and

Whereas, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

Whereas, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

Whereas, the City Council of the City of Destin has determined that the proposed amendments to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, *Florida Statutes* and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as “Chapter 6 – Coastal Element - of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020”.

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: INTENT.

The intent of this Ordinance is to provide orderly growth management for the City of Destin. This Ordinance provides public policy mechanisms for growth management in order to serve the visitors, residents and property owners of Destin and maintain and improve the quality

of life for all citizens of the City. The City Council of Destin finds that the goals, objectives, policies and regulations included herein are a necessary and proper means for planning and regulating the development and use of land in the City and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters. This Ordinance shall be construed broadly to accomplish its stated purposes and objectives.

SECTION 6. ADOPTION OF THE AMENDMENTS TO CHAPTER 6, COASTAL MANAGEMENT ELEMENT:

CHAPTER 6: - COASTAL MANAGEMENT ELEMENT

Editor's note—Ord. No. 12-13-PC, § 6(Exh. A), adopted November 3, 2014, amended chapter 6 in its entirety to read as herein set out. Former chapter 6, pertained to similar subject matter. See Table of Amendments for complete derivation.

(Reference 163.3177(6)(d), FS)

Introduction. The Coastal Management Element focuses the City of Destin's (City's) resources to protect and enhance the coastal assets of the City. The emphasis is on achieving a balance between continuing growth, access to coastal amenities and preservation and enhancement of coastal resources.

This Element is supported by the Coastal Resources Data, Inventory, and Analysis (DIA) required pursuant to § 163.3177(6)(g) and § 163.3178, FS, and is based upon the data and analysis requirements pursuant to § 163.3177(6)(g) FS.

This element, as all others, is organized around a hierarchical series of topical Goals, Objectives, and Policies (GOPS). The Goals are broad and general, the objectives are specific and measurable, and policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

The major topics of this element include:

- Coastal Resource Protection.
- Coastal Waters Adverse Impact Mitigation.
- Coastal Shorelines.
- Shoreline Use and Public Access Prioritization.

- ~~Land Use Controls and Construction Standards for Protecting the Natural Shoreline and Beach/Dune System.~~
- ~~Coastal High Hazard Area Hazard Mitigation.~~
- ~~Coastal High Hazard Area Public Infrastructure Subsidy Limitations.~~
- ~~Coastal High Hazard Area Avoidance of Population Concentrations.~~
- ~~Hurricane Evacuations.~~
- ~~Post Disaster Redevelopment.~~
- ~~Access to Public Beach and Shoreline.~~
- ~~Historic Resource Protection.~~
- ~~Public Facility Level of Service Standards.~~
- ~~Intergovernmental Coordination within Coastal Area.~~
- ~~Continuing Evaluation of Coastal management Element Effectiveness.~~

(Reference section 163.3177(6)(g), F.S. (2019))

The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters.

This element, as all others, is organized around a hierarchical series of topical goals, objectives, and policies (GOPS). The goals are broad and general, the objectives are specific and measurable, and the policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

Pursuant to section 163.3178(2). each coastal management element required by section 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain

- (a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environment, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS. Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall annually evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs. The City has initiated a Beach Acquisition Program and intends to purchase beachfront properties to provide additional recreational opportunities for both citizens and tourists.

Policy 6-1.1.2: Protect Living Marine Resources, Coastal Wetlands, and Seagrass Beds. Development shall not cause degradation of coastal wetland habitats and seagrass beds. The City shall accomplish this through implementation of site design and stormwater management facilities that prevent runoff from lowering water quality within Choctawhatchee Bay, Destin Harbor, the City's bayous, or the Gulf of Mexico below the minimum conditions necessary to maintain State classifications as established in Chapter 62-302, F.A.C. Commercially operated marinas with in-water vessel storage shall be prohibited along Choctawhatchee Bay from Cobb's Point eastward to Indian Bayou. When evaluating sites for public boat launching facilities, the City will give highest priority to shoreline areas designated by the State Division of Aquaculture as prohibited for shellfish harvesting. Only after the City has determined that no sites are viable for public boat launch facilities within prohibited shellfish harvesting areas, shall consideration of other shoreline areas be considered.

Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline. The City shall not approve a development order until it has evaluated the

potential impact identified by the applicant and other public entities having jurisdiction over the impacted resources. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal area will be prevented and that all applicable State and/or federal regulatory measures shall be or have been satisfied. The development review process shall involve all local, regional, State, and federal entities with jurisdictional authority. All development shall:

- A. Protect fish and wildlife habitat.
- B. Prevent degradation of water quality and estuaries.
- C. Manage surface water run-off.
- D. Protect living marine resources.
- E. Reduce exposure to natural hazards.
- F. Ensure adequate public access.
- G. Preserve White Sands.

Policy 6-1.1.4: Restrict Development in Wetlands. Wetland jurisdictional determinations shall be consistent with those of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE).

Policy 6-1.1.5: Protect Estuarine Wetlands. No development shall be allowed to fill wetlands connected to Choctawhatchee Bay, the Gulf of Mexico, or any of the City's bayous unless such development complies with state wetland protection standards and necessary permits are obtained from the respective agency.

Policy 6-1.1.6: Reduce Commercial Land Use Impacts to Choctawhatchee Bay. Water-dependent commercial land uses shall be oriented toward Destin Harbor and shoreline areas of Choctawhatchee Bay south of Joe's Bayou where shellfish harvesting is prohibited.

Policy 6-1.1.7: Minimize Impacts of Outdoor Lighting in Coastal Areas. Outdoor lighting along Gulf shoreline areas shall not adversely impact sea turtle nesting habitat during nesting season. The City shall continue to enforce the outdoor ~~Outdoor~~ lighting standards for the marine turtle conservation zone ordinance, which controls the use of outdoor lighting for development adjacent to Gulf shoreline areas.

Policy 6-1.1.8: Enforce the Gulf Shoreline Protection Zone. Within the Gulf Shoreline Protection Zone established under Policy 5-1.5.7, land shall be retained in its natural state except for permitted minor structures approved by the City and FDEP. Where minor structures are permitted by the FDEP or for beach access facilities, only the minimum amount of land necessary to accommodate and access the structures may be constructed upon but shall not exceed more than 10% of the land area within the Gulf Shoreline Protection Zone, whichever is less. For narrow parcels or lots used for beach access facilities or emergency access (i.e., dune crossovers), the affected land area within the Gulf Shoreline Protection Zone can exceed more than 10% of the land area within the Gulf Shoreline Protection Zone but the impacted area shall not exceed a width of 20 feet. All remaining lands within the Zone shall be preserved in natural vegetation. The City's

seriously eroding coastal areas may be temporarily or permanently armored pursuant to conditions set forth in the City's Land Development Code which include:

- A permit for such armoring has been issued by FDEP, and any other applicable Federal and local requirements have been satisfied, or
- If such armoring is authorized by the City's adoption of an emergency resolution pursuant to FS § 161.085(3), and any other applicable Federal, State and local requirements have been satisfied.

Policy 6-1.1.9: Support the Artificial Reef Program. The City shall continue to support artificial reef programs sponsored by the State and County that create habitat for aquatic species and/or protect Gulf beaches from soil erosion. The City shall continue to monitor the activities of Okaloosa County as the County coordinates with the ~~U.S. Army~~ USACE, the U.S. Fish and Wildlife Service (USFWS), and the FDEP to provide inspection services for artificial reef materials and ensure that such materials are suitable for use as artificial habitats in the Gulf and Bay.

Policy 6-1.1.10: Protect Norriego Point. The City shall continue its efforts to preserve and protect Norriego Point, a peninsula separating Destin Harbor from East Pass. Appropriate portions of Norriego Point under public ownership shall be preserved as a bird rookery. The City will take all necessary measures to preserve and restore Norriego Point as outlined in the most current management plans approved by the City Council. Efforts will include coordination with the FDEP and U.S. Army Corps of Engineers. The City will continue to monitor the condition of the point and notify both agencies whenever erosion or other activities threaten the Point. The City shall continue to request that spoils materials from dredging East Pass be used to renourish and replenish Norriego Point.

Policy 6-1.1.11: Enforce the Bay Shoreline Protection Zone. Within the Bay Shoreline Protection Zone established under Policy 5-1.5.6, the land shall consist of preserved native vegetation, including canopy, understory, and ground cover. No more than 40% of the area within the zone may be used for accessory uses or structures or impervious surfaces.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.1: Implement Stormwater System Improvements. Continue refinement and implementation of the Stormwater Master Plan for the City. The City shall incorporate recommended improvements annually into its Five-Year Schedule of Capital Improvements. When prioritizing stormwater improvements for available funding, the City shall take into consideration those improvements that contribute to reducing the volume of stormwater runoff entering coastal waters.

Policy 6-1.2.2: Prohibit Stormwater Run-off into Coastal Waters. Channeling run-off directly into coastal water bodies shall be prohibited.

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

Policy 6-1.2.4: Protect Bayous. To minimize potential future adverse impacts to the City's bayous, principal land uses located adjacent to these waters shall be limited to those supporting single family residential or conservation or recreation activities and their ancillary uses. The Future Land Use Map (FLUM) shall support such uses adjacent to the City's bayous.

Policy 6-1.2.5: Fund Stormwater Management System-related Capital Improvements. The City shall continue to fund stormwater system improvements through the Capital Improvements Program (CIP).

Policy 6-1.2.6: Monitoring Federal Standards. The City, in coordination with Destin Water Users (DWU), will monitor new and evolving EPA requirements pertaining to stormwater runoff and treatment.

Policy 6-1.2.7: Require Pump-out Facilities. ~~The City shall explore opportunities for a pump-out program.~~ The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.1: Reduce Shoreline Erosion Through the Land Development Code. The City shall continue to enforce its Shoreline Protection Ordinance. No native vegetation shall be removed from the coastal or wetland shoreline without a duly authorized permit from the city and state agencies, as applicable. Development along the shoreline shall revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation which:

- A. Contributes to fish and wildlife habitat, marine productivity and water quality.
- B. Offers protection from erosion and flooding.
- C. Contributes to the natural soil building process.

~~See also Policy 5-1.5.7 (Gulf Shoreline Protection Zone) of the Conservation Element.~~

Policy 6-1.3.2: Control Boat Launching Locations. The City shall prohibit boat launching from various rights-of-way that are not designated as public boat ramps and restrict the creation of random water access points.

Policy 6-1.3.3: Preserve Coastal Vegetation. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio. Hardening of the shoreline with bulkheads or other similar devices shall not be allowed without proper permits.

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP, the University of Florida Institute of Food and Agricultural Science (IFAS), and the Choctawhatchee Basin Alliance (CBA) to plant coastal vegetation and sea oats along shoreline beaches. ~~The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.~~

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall ~~annually~~ evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. ~~(Language that duplicated 6-1.4.5 was removed.)~~

Policy 6-1.3.6: Support Artificial Reef Programs. The City will continue to support State programs to create near-shore artificial reefs that reduce shoreline erosion.

Policy 6-1.3.7: Manage Impact of Coastal Development on Tidal Patterns. No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. No alteration in tidal flow shall be permitted that causes stagnation or siltation.

Policy 6-1.3.8: Prevent Erosion Impacts Generated by Motorized Watercraft. Where the City experiences shoreline erosion from wave impacts generated by watercraft operating within near shore areas and within bayous, coordination will occur with the

State Office of Waterway Management (SOWM) regarding establishment of no wake zones, watercraft speed limits, or boating restrictions within the affected shoreline areas. For areas where existing boating restrictions are posted, the City will coordinate with ~~SOWM State Office of Waterway Management~~ regarding increased enforcement activities.

Policy 6-1.3.9: Coordinate Sand Deposits at Norriego Point. The City shall continue to coordinate with the USACE regarding depositing sands dredged from East Pass onto Norriego Point.

Policy 6-1.3.10: Pursue Beach Re-nourishment and Stabilization. The City shall continue to pursue beach re-nourishment and stabilization along its entire boundary with the Gulf of Mexico.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.1: Criteria for Prioritizing Shoreline Uses and Public Shoreline Access. In reviewing applications for shoreline development, first priority shall be directed to the following shoreline uses:

- A. Non-structural shoreline protection uses such as native shoreline revegetation programs.
- B. Approved water-dependent shoreline uses such as pile supported access ways and duly permitted dock facilities and commercial marinas. All such facilities shall satisfy all provisions of the City's land development regulations and obtain requisite permits from all environmental permitting agencies prior to obtaining City approval. Proposed marinas shall not be approved unless the applicant demonstrates that the marina site is consistent with the City's conservation and coastal management policies. Such uses must comply with all relevant criteria in this Comprehensive Plan. Priority shall be directed to water dependent uses that are available for public use.
- C. Non-water dependent uses.

Second priority shall be directed toward water-related uses such as:

- A. Parking facilities for shoreline access located outside wetlands and dune systems.
- B. Residential structures that comply with the building code for structures within the coastal building zone.
- C. Recreational facilities that comply with applicable codes.

Policy 6-1.4.2: Provide Public Shoreline Access. Development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems and shall reduce pedestrian impacts to coastal vegetation by providing narrow accessways between land uses and beach areas. The design and type of accessway or boardwalk shall use best management practices promoted by the FDEP.

Policy 6-1.4.3: Apply Site Design Promoting Coastal Community Character. Development occurring along the Gulf of Mexico, Choctawhatchee Bay, or the City's bayous shall apply site design that provides breezeways, promotes scenic corridors, and allows view of coastal water from adjacent properties or roadways separated from the shoreline. Building orientation, scale, mass, and architecture shall promote scenic vistas and open space connections from the beachfront side of a property to its boundaries abutting adjacent public streets.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The Land Development Code (LDC) shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

Policy 6-1.4.5: Coordinate with Tourist Development Council and Board of County Commissioners. ~~14 Prior to the next EAR, The City shall request~~ coordinate with the Okaloosa County Tourist Development Council (TDC) and the Okaloosa County Board of County Commissioners to participate in a joint study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.

Policy 6-1.4.6: Public Access Inventory. The City will maintain and keep an inventory of public beach access facilities.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and ~~and/or~~ state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and ~~and/or~~ state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.1: Enforce Development Restrictions Seaward of the Coastal Construction Control Line (CCCL). The City shall coordinate the development review process by forwarding all applications for construction seaward of the ~~Coastal Construction Control Line~~ CCCL to FDEP for jurisdictional action. Following such action, any construction permitted by the State shall comply with best management

principles and practices for respective activities and shall receive permits from all other public agencies having jurisdiction.

Policy 6-1.5.2: Support Natural Shoreline and Beach/Dune Stabilization. Shoreline development and access shall continue to be restricted in order to preserve the shoreline. Rigid shoreline protection structures are not permitted except for those structures approved by FDEP or the USACE U.S. Corps of Engineers. When beach re-nourishment projects are needed, the dune system should be restored, as necessary, using natural, indigenous vegetation.

Policy 6-1.5.3: Enforce Restrictions on Operation of Vehicles on Beaches. The City shall continue to enforce restrictions that prohibit any motorized vehicle upon or over the City's incorporated portion of the beach adjacent to the Gulf of Mexico, excepting mechanical beach cleaning equipment, public safety and emergency vehicles, and vehicles permitted by the FDEP.

Policy 6-1.5.4: Restore Beach and Dune Systems. The City shall continue to coordinate with the FDEP Florida Department of Environmental Protection to require beach and dune system restoration where development is proposed on the adjacent upland to the primary dune system and where breaches are caused in any portion of a dune system. Furthermore, beach and dune system restoration shall be incorporated into the landscape plan required for new development. The property owner is required to maintain and restore beach and dune systems, including all coastal vegetation, occurring within the parcel or lot consistent with the landscape plan. The LDC shall require dune and beach restoration plans as part of the landscape standards.

Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards. The City shall continue to enforce its regulations for marina siting in accordance with the FDEP and USACE. Northwest Florida Coast Resource Management Plan.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas. The City's floodplain management standards exceed the minimum standards set by the National Flood Insurance Program (NFIP) as well as the Florida Building Code (FBC). The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by the FBC. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the LDC and the FBC.

Policy 6-1.5.7: Protect Wildcat Mountain. The City shall prohibit the removal of sand from Wildcat Mountain to retain and preserve the dune system, except for the allowance of minor grading and filling necessary to accommodate development occurring thereon.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance

standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans. The City shall designate as necessary, an adaptation action area for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. ~~The City shall eliminate uses that are inconsistent with interagency hazard mitigation reports deemed appropriate by the City.~~ This objective shall be measured through implementation of the following Policies.

Policy 6-1.6.1: CHHA Defined. As defined in § 163.3178(2)(h) FS Coastal Management, The Coastal High-Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 6-1.6.2: Hazard Mitigation Management. The City shall continue to participate in the County's technical coordinating committee in preparing the hazard mitigation component of the Comprehensive Emergency Management Plan. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards.

In addition, the City shall enforce more restrictive land use controls within the CHHA than in areas outside of the CHHA, including but not limited to:

- A. Not allowing increases in maximum density as identified in the Future Land Use Map.
- B. Performance criteria within the LDC shall mandate that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 - 1. State and local regulations establish CCCL ~~coastal construction control lines~~, as well as applicable state and local construction codes regulating construction activity in coastal areas.
 - 2. Surface water management improvements that mitigate against loss of flood plain and comply with adopted surface water management level of service standards for drainage cited in the Public Facilities Element.
 - 3. Publicly funded infrastructure shall not be built within the CHHA unless the facility is for the protection of public health and safety, creation of open space, implementation of beach restoration or shoreline erosion protection programs.
 - 4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.
 - 5. Dune and beach system restoration including ongoing maintenance of coastal vegetation.
- C. A multi-agency site plan review process shall be initiated to ensure that all proposed development or redevelopment having adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation, or other coastal resources, shall be coordinated with County, State, federal, or regional

agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.

Policy 6-1.6.3: Implement General Hazard Mitigation. The LDC shall restrict the density/intensity of development within the high hazard area as denoted on the Future Land Use Map Series. Furthermore, the state and local coastal construction control lines shall be enforced. Performance criteria shall stipulate the need to reduce exposure of human life and property to natural hazards.

Policy 6-1.6.4: Hazard Mitigation and Redevelopment. In the event ~~of that Destin faces~~ a major disaster or ~~if~~ included in a Presidential Disaster Declaration, the City shall implement the adopted Post Disaster Redevelopment Plan and the interagency hazard mitigation report when adopting a redevelopment plan for the affected areas. Interagency hazard mitigation report shall mean the recommendations of a team of federal, state, regional, or local officials addressing measures that reduce the potential for future flood losses and which is prepared in response to a major disaster or a Presidential Disaster Declaration. The City will amend its local mitigation plan or implement a new program in order to reduce risks of natural disaster and ensure compliance with Federal, State, or regional regulations, imposed on the receipt of Federal monies under the Robert T. Stafford Disaster Assistance and Relief Act. ~~Public Law 93-388.~~

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. ~~Prior to the next EAR,~~ The City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments identified in the Statewide Regional Evacuation Study for northwest Florida, delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study). Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation (FDOT).

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA.

The City shall limit public expenditures that subsidize private development permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach renourishment activities, may be permitted where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. ~~Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for~~

~~such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City maintains a list of critical facilities under its NIFP and Community Rating System (CRS) programs. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The list of critical facilities also includes, schools, public safety buildings, municipal buildings, and healthcare facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.~~

Policy 6-1.7.2: Future Infrastructure in the CHHA. The City shall continue to allow infrastructure facilities to be constructed within the CHHA provided that the facilities are necessary to serve the existing and/or future population, and such infrastructure facilities are constructed in a manner that minimizes the impacts from storm events.

Policy 6-1.7.3: Prohibit Septic Tanks in the CHHA. The City shall not approve development that proposes installation of new septic tanks within the CHHA.

Policy 6-1.7.4: Public Expenditures in the CHHA. Public funds shall be expended in the CHHA only in developments: that comply with residential densities adopted in this plan that will produce no adverse effects to the surrounding land uses or the environment without approved mitigation plans; and/or, that would further open up the waterfront to public access.

Policy 6-1.7.5: ADAPTION ACTION AREA DESIGNATION. The City will identify areas for which land elevations are below, at or near mean high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

OBJECTIVE 6-1.8: AVOID POPULATION CONCENTRATIONS IN CHHA. The City shall direct population concentrations away from CHHA by not increasing the density of residential development and redevelopment within the CHHA above that allowed by the City's FLUM. The City's FLUM mandates maximum density thresholds for properties within the CHHA. The density threshold varies with the severity of environmental constraints of each site and the proximity of the site to the shoreline. The intent of the density allocation is to direct population concentrations away from CHHA to the greatest extent consistent with the State Comprehensive Plan private property rights goal and related policies ~~{Reference Ch. 187.201(16)(a and b), FS}.~~

Policy 6-1.8.1: Restrict Development in CHHA. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from these areas. Residential development and/or redevelopment in the CHHA shall not exceed the residential densities shown on the FLUM ~~Future Land Use Map~~ for that property.

Policy 6-1.8.2: Enforce CHHA Construction Standards. Within the CHHA, the City shall allow no new permanent residential structures, which do not meet the construction

standards required by the FDEP if the construction is seaward of the CCCL or by the FEMA construction standards if located within applicable flood zones.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with State, regional, and county agencies Okaloosa County and Walton County in evaluation of major evacuation routes and determining where operational improvements can be made to maintain or reduce hurricane evacuation times. through the implementation of the following policies:

~~**Policy 6-1.9.1: Utilize Emergency Management Plans.** Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.~~

Policy 6-1.9.1: Utilize Emergency Management Plans. The Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall also periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

~~**Policy 6-1.9.2: Coordinate Hurricane Evacuation Logistical Support.** To prevent congestion on roads and overcrowding at evacuation centers, the City shall coordinate with Okaloosa County in disseminating information concerning the need for residents to evacuate at various hurricane threat levels. The City shall coordinate with the County and the Okaloosa County Emergency Management Director in assisting implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.~~

~~**Policy 6-1.9.3: Plan for Future Coordination with the County in Emergency Preparedness.** To provide for safe and efficient evacuation of the residents of Destin, in the event of a hurricane, The City shall coordinate with Okaloosa County in annually updating the County's Comprehensive Emergency Management Plan. The City shall coordinate with the County in updating hurricane evacuation center assignments as well as other policy formulation surrounding land use and emergency preparedness. This update shall enable the County and incorporated municipalities to plan for future population densities that will neither adversely impact the efficiency of the evacuation plan nor increase evacuation times. The City shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.~~

Policy 6-1.9.4: Designate Hurricane Evacuation Routes. The City designates Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge as the primary evacuation routes out of Destin as part of its Hurricane Evacuation Plan.

Policy 6-1.9.5: Coordinate Re-Entry Following a Hurricane Evacuation. The City shall coordinate with Walton County and Okaloosa County Emergency Management Services to coordinate efficient and safe re-entry into the City following a mandatory evacuation. ~~The City's adopted Post-Disaster Redevelopment Plan shall be used as its established program addressing re-entry into the City when destruction and damage to buildings and infrastructure have occurred due to a storm event that resulted in evacuation.~~

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City has almost completed ~~shall plan~~ the construction of an alternative east/west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available funding ~~FDOT funds~~ to support construction of an alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall ~~annually~~ perform a hurricane clearance time analysis as part of the City's ~~annual~~ transportation concurrency review using pre-impact and best practices outlined in the National Hurricane Program. ~~As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.~~

Policy 6-1.9.8: Hurricane Evacuation Carrying Capacity Study. Continue to monitor and evaluate the carrying capacity of all evacuation routes within the City. Based on the findings of the carrying capacity study, the City shall identify transportation improvement needs, hurricane preparedness actions, or land use controls to assure timely evacuation of the entire City prior to hurricane landfall. ~~As evacuation routes are also used by residents and visitors within Walton County and Okaloosa County, the City shall request participation from Walton County and Okaloosa County in the preparation of a carrying capacity study for Harbor Boulevard/Emerald Coast Parkway and other evacuation routes leading from coastal areas to the mainland.~~

OBJECTIVE 6-1.10: POST-DISASTER REDEVELOPMENT. The City maintains a post-disaster redevelopment plan which is coordinated with Okaloosa County's post-disaster redevelopment plan. All redevelopment activities after a hurricane storm event must comply with this redevelopment plan and according to the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.10.1: Recovery Operations and Post-Disaster Redevelopment. The City shall continue coordination with Okaloosa County to modifying the Comprehensive Emergency Management Plan ~~when necessary~~ to address changes that may result from growth and development anticipated within the Comprehensive Plan. The Post-Disaster

Redevelopment Plan shall include strategies for post-disaster recovery operations, including the management of redevelopment and reconstruction within the City and the CHHA. The management plan, at minimum, should provide a basis for considering the following activities during times of natural disaster:

- A. Ensuring a means to restore economic activity, including the tourist industry and water-related businesses.
- B. Establishing a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety.
- C. Developing procedures for reviewing and deciding upon emergency building permits.
- D. Coordinating with State and Federal officials to prepare disaster assistance applications.
- E. Analyzing and recommending to the City Council hazard mitigation options, including reconstruction or relocation of damaged public facilities.
- F. Developing a redevelopment plan.
- G. Recommending amendments to the Comprehensive Emergency Management Plan and other appropriate policies and procedures.

Policy 6-1.10.2: Coordinate Amendments to the Redevelopment Plan. The City shall coordinate any amendments to its Post-Disaster Redevelopment Plan with the Okaloosa County Emergency Management Office for compliance with the Comprehensive Emergency Management Plan.

Policy 6-1.10.3: Repair and Cleanup. In planning post-disaster redevelopment activities, factors to be considered to protect the public health and safety shall include:

- A. Repairs to potable water, wastewater and power facilities.
- B. Removal of debris.
- C. Stabilization or removal of structures in a perilous condition.
- D. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and cleanup operations.

Policy 6-1.10.4: Manage Unexpected Redevelopment Activities. The City shall manage unanticipated future redevelopment activities necessitated by hurricane events or other natural disasters through this Plan and adopted land development regulations. Immediate recovery actions needed to protect the public health and safety shall take priority in permitting decisions following hurricane storm events or other natural disasters. Recovery actions to reconstruct housing and services for year-round residents and the local workforce shall take priority over reconstruction of structures supporting seasonal and tourist population.

Policy 6-1.10.5: Redevelopment Compliance Codes and Plans. If rebuilt, structures that suffer damage in excess of 50% of their appraised value shall be rebuilt in accordance with all current and applicable land use and building code requirements upon adoption of the LDC.

Policy 6-1.10.6: Review Building Facilities. The City shall establish a process for reviewing available alternatives for managing damaged public facilities following a hurricane event, including coordination with Destin Water Users, Inc. The procedures shall evaluate future options for such facilities, including, but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The City shall consider these options based on the following considerations:

- A. Cost to construct.
- B. Cost to maintain.
- C. Recurring damages.
- D. Impacts on land use.
- E. Impacts on the environment.
- F. Public sector.
- G. Repair to any public facilities that shall be deemed historic structures according to the inventory of the National Register of Historic Places shall be guided by the U.S. Secretary of the Interior's Guidelines for Rehabilitation until such time as the City adopts other guidelines and standards for the repair of historic structures.
- H. Other relevant factors.

Policy 6-1.10.7: Maintain a Disaster Assistance Contingency Fund. The City shall maintain a contingency fund to cover the City's required match for disaster assistance grants.

Policy 6-1.10.8: Limit Redevelopment of Nonconforming Structures. If a nonconforming structure is substantially damaged (based on the definition in Chapter 161, FS) or abandoned, it shall be rebuilt only to the extent that complies with the current Future Land Use designation, and, density, and intensity for the affected property.

Policy 6-1.10.9: Participate in the National Flood Insurance Program. The City shall continue its participation in the National Flood Insurance Program.

Policy 6-1.10.10: Help Improve the National Flood Insurance Program. The City shall continue to identify inappropriate Flood Insurance Rate Map (FIRM) and Coastal Barrier Resource Systems (CBRS) map designations within the City and work with the appropriate federal agency to provide the correct map designations.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE. The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent

lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.1: Maintain Public Beach Access. The City shall continue to maintain all designated public beach access points.

Policy 6-1.11.2: Publicly Funded Gulf Front Development Must Provide Beach Access. Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and refuse collection.

Policy 6-1.11.3: Consider Scenic View in Site Plans. Waterfront development shall include design measures that provide, enhance and preserve scenic views of the water for the general public from public rights-of-way. Structures along the shoreline shall be designed to prevent walling off of waterfront views. The LDC shall regulate building location, intensity, and design to protect or enhance scenic views. The site plan and building criteria within the LDC shall require new development to demonstrate that views of adjacent water bodies will be preserved.

Policy 6-1.11.4: Enhance Waterfront Access ¹. ~~□ Prior to the next EAR, The City has developed cost comparative metrics for several potential beach front property acquisitions. The City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.~~

Policy 6-1.11.5: Coordinate with Okaloosa County. ~~The City shall coordinate Coordinate all beach access planning, funding, and implementation with Okaloosa County, when necessary. in recognition that the County's Tourist Development Council and other components of the County's budget to fund various aspects of beach maintenance and enhancement. The City and County should be encouraged to coordinate more fully in public access projects to encourage county participation in funding.~~

OBJECTIVE 6-1.12: PROTECT HISTORIC RESOURCES LOCATED IN COASTAL AREAS. The City shall ensure protection of historic resources within coastal areas and shall ensure that there shall be no loss of historic resources on City owned property. The City shall coordinate with the appropriate agencies in the protection, preservation or sensitive reuse of historic and/or archeological resources. ~~The LDC shall ensure that historic resources on public and private property within coastal areas shall be protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.~~

Policy 6-1.12.1: Promote Identification of Historic, Archaeological, and Cultural Resources. ~~Ensure that all municipal actions encourage and promote the preservation of the City's historic resources. To this end. The City shall continue to support efforts to identify historic sites and register them with the appropriate agencies. The City shall coordinate with the State Division of Historic Resources, local historical groups, and~~

others ~~in continuing~~ to identify, document and preserve the City's historical, archaeological, and cultural resources.

Policy 6-1.12.2: Performance Standards for Protecting Sites of Historic or Archaeological Significance. The City shall establish historic overlay districts and guidelines, as necessary, to establish controls for safe construction practices and for retaining the character of development within said districts. The LDC shall include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site.

OBJECTIVE 6-1.13: MAINTAIN PUBLIC FACILITY LEVEL OF SERVICE STANDARDS IN COASTAL AREAS. The City shall allow no development in the coastal area unless the established level of service standard is maintained, and infrastructure needs are fulfilled in compliance with the City's Concurrency Management System within the Capital Improvements Element.

Policy 6-1.13.1: Maintain Level of Service Standards within Coastal Areas. The entire jurisdictional area of Destin is a coastal area. The level of service standards shall be those established within other elements of the Comprehensive Plan.

Policy 6-1.13.2: Maintain Beach Re-nourishment Standards. Any future proposed beach re-nourishment project shall follow best management practices and shall secure the required permits from all federal and state agencies having jurisdiction, including the FDEP.

Policy 6-1.13.3: Coordinate Infrastructure Availability and Timing. Future development shall be directed to those areas where public facilities are available concurrent with the impacts of the development or redevelopment. Development and redevelopment shall occur only at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation. The City shall ensure that funds for future needed infrastructure improvements are phased to coincide with demands generated by development or redevelopment. To ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer or applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development projected in the future land use element. The infrastructure shall also be consistent with applicable local, regional and state coastal resource protection policies.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the ~~Northwest Florida Water Management District~~ (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.
- B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWMD, the ~~Emerald Coast West Florida~~ Regional Planning Council (ECRC), and other federal, state, and regional agencies as may be appropriate in managing the following activities:
 - 1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.

2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
 3. The City shall coordinate with technical staff within FDEP and NFWFMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
 4. The City shall coordinate with the NFWFMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- C. The City shall coordinate on a continuing basis with the ECRC ~~WERPC~~ in preparing the Comprehensive Plan and amendments to ensure consistency with the ECRC ~~WERPC~~ Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the ECRC ~~WERPC~~. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.1: Review the Impact of Changing Conditions on Coastal Management Policy. The City shall monitor and evaluate significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measures shall be pursued. Coastal management policies shall be refined as needed to remain responsive to evolving problems and issues.

Policy 6-1.15.2: Schedule, Budget, and Implement Programmed Activities. The timely scheduling, programming, budgeting and implementation of programmed coastal management activities identified in this Element shall be evidence of the City's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

Policy 6-1.15.3: Coordinate with Public and Private Sectors. While continually implementing and evaluating the Coastal Management Element, the City shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The City's coastal management goals, objectives, and policies are supported in the City LDC. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management strategies. In addition,

The Coastal Management Element incorporates a systematic planning process to identify coastal management problems,~~and~~ issues, and ~~implement~~ corrective actions.

OBJECTIVE 6-1.16: PRESERVE RECREATIONAL AND COMMERCIAL WORKING WATERFRONTS. The City shall encourage shoreline development of those land uses which are dependent on or related to access to the water.

Policy 6-1.16.1. Encourage Shoreline Development Related to Water Access. The City shall preserve recreational and commercial waterfronts through proper land use planning, the public acquisition of land for parks and open space and shall continue to provide the siting of water dependent and water-related uses through the zoning guidelines of appropriate land use districts.

OBJECTIVE 6-1.17: REDUCE RISK IN COASTAL AREAS. The City recognizes the risk of being impacted by damaging winds and flooding increases for those properties located closer to shorelines and low-lying coastal areas. To ensure that future development occurs in a manner that minimizes risk, the City will implement principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

Policy 6-1.17.1: Reduce Flood Risk. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea-level rise, the City will continue to promote the use of the development and redevelopment principles, strategies and engineering solutions contained in the Florida Building Code and the Land Development Regulations

Policy 6-1.17-2: Development and Redevelopment Standards in Coastal Areas. The City shall continue to ensure development and redevelopment utilize the best available data on minimum floor elevation, including FEMA flood zones.

Policy 6-1.17-3: Reduce Flood Damage in Coastal Areas. The City shall, through implementation of all Land Development Regulations, continue to ensure that all new buildings or structures meet, or exceed, the flood resistant construction requirements of the Florida Building Code and Federal Flood Plain Management regulations including flood proofing and storm surge.

Policy 6-1.17-4: Participation in the National Flood Insurance Program. Participate in the National Flood Insurance Program in conformance with Public Law 92-288 and the Community Rating System Program.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or ~~her~~ appointed designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN.

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 9: SEVERABILITY.

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS ____ DAY OF _____ 2020.

BY: _____
Gary Jarvis, Mayor

ATTEST:

Lance Johnson, City Manager

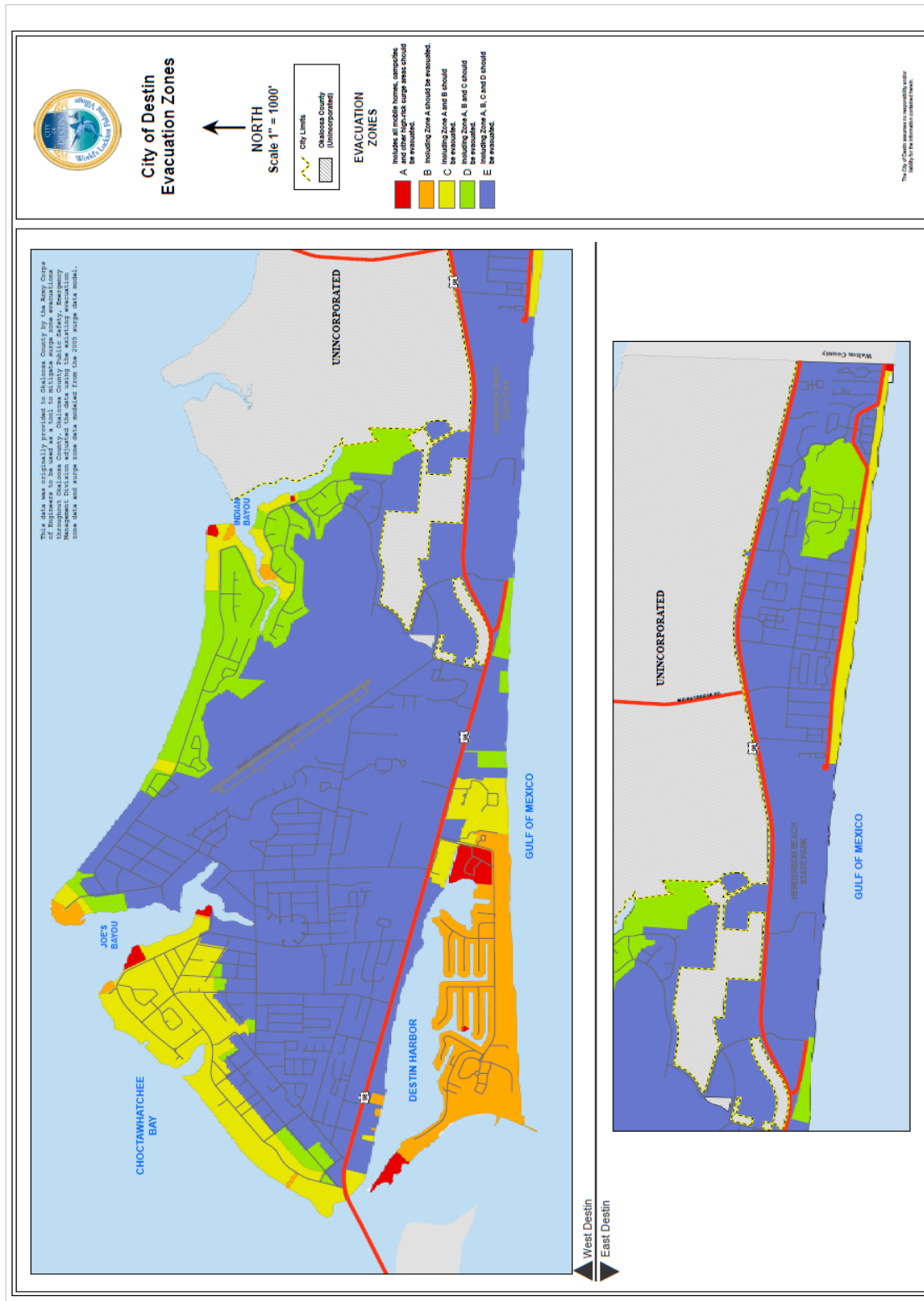
The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land Use
Attorney for the City of Destin, only.

Rey Bailey, City Clerk

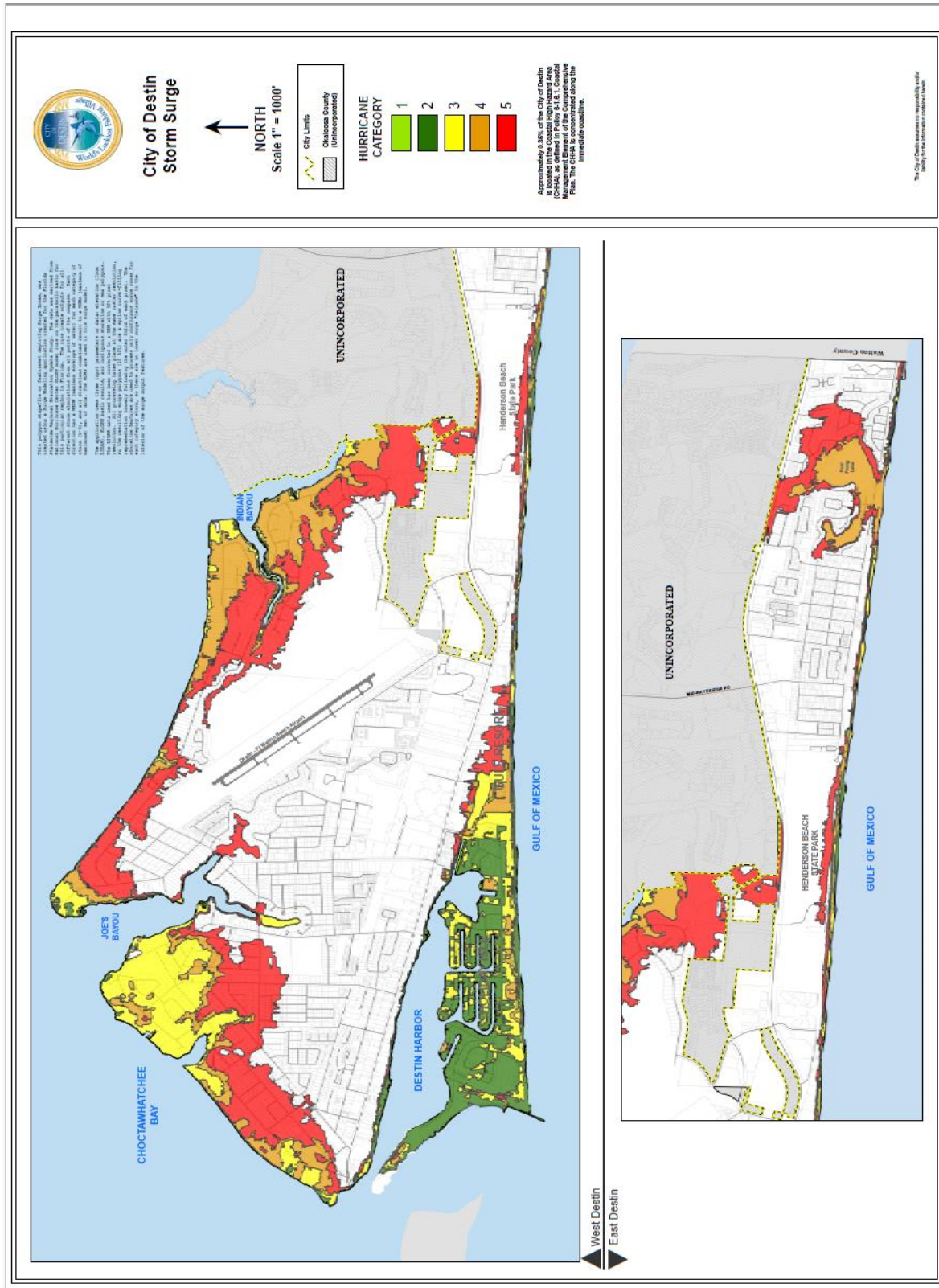
Kimberly R. Kopp, City Land Use Attorney

First Reading: February 3, 2020
Second Reading: _____

EVACUATION ZONES



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ORDINANCE NO. 20-01-PC

AN ORDINANCE OF THE CITY OF DESTIN, FLORIDA, AMENDING CHAPTER 6 OF THE CITY OF DESTIN'S COMPREHENSIVE PLAN, "COASTAL MANAGEMENT ELEMENT"; PROVIDING UPDATES TO THE COASTAL MANAGEMENT ELEMENT PURSUANT TO STATE LAW; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR JURISDICTION; PROVIDING FOR TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR INCORPORATION INTO THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. AUTHORITY.

The authority for the enactment of this Ordinance is Section 1.01 of the City Charter; Chapter 163, Part II, *Florida Statutes*; Sections 166.021 and 166.041, *Florida Statutes*.

SECTION 2. FINDINGS OF FACT.

Whereas, Article VIII, Section 2 of the Florida Constitution, and Chapter 166, Florida Statutes, provide municipalities the authority to exercise any power for municipal purposes, except where prohibited by law, and to adopt ordinances in furtherance of such authority; and

Whereas, pursuant to the requirements of section 163.3164, et seq., Florida Statutes, the Community Planning Act, (hereinafter "Community Planning Act") the City of Destin has adopted and has in effect a Comprehensive Plan; and

Whereas, section 163.3191, Florida Statutes, requires local governments to perform an evaluation and appraisal of its Comprehensive Plan every seven years; and

Whereas, the City Council of the City of Destin is required by law to perform a current evaluation and appraisal of its Comprehensive Plan; and

Whereas, the City Council of the City of Destin has determined that section 163.3178, Florida Statutes, requires that certain updates be made to the Coastal Element of the City of Destin's Comprehensive Plan to address sea level rise and development in coastal and flood-prone areas; and

Whereas, the City Council has determined that it is necessary to adopt this ordinance in order to promote safety for the general welfare of City residents, as well as prevent hazards to persons, property, and vehicles traveling the City's highways, roads and streets; and

Whereas, the City's beaches attract people and families who travel from near and far to enjoy the coastal environment, breathe the fresh air, exercise, play or relax on the sand or in the water, and engage in other recreational activities; and

Whereas, tourism is a major contributor to the economic health of the City overall and the City desires to support the tourism industry while also seeking to improve the quality of life of City residents; and

Whereas, tourists and residents alike enjoy the City's pristine beaches, fertile fishing areas, and critical environmental habitats; and

Whereas, the City Council seeks to make the City of Destin a livable, healthy, economically robust community with safe, convenient access to roadways and parking; and

Whereas, the City Council, to ensure the City's orderly growth and development, finds it prudent to amend its Comprehensive Plan to respond to the needs and conditions within the City; and

Whereas, the Comprehensive Plan affects the City as a whole, which affects the general health, natural beauty, public safety, smart growth, and the welfare and wellbeing of City residents; and

Whereas, the public hearings required to be held by Florida Statute were appropriately noticed and held by the Local Planning Agency and City Council; and

Whereas, the City has prepared a supporting document that has been reviewed and accepted by the Local Planning Agency and the City Council for these amendments; and

Whereas, the City Council of the City of Destin has determined that the proposed amendments to the Comprehensive Plan would best serve the health, safety and welfare of citizens of the City of Destin.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA that this Ordinance is hereby adopted in conformance with Chapter 163, *Florida Statutes* and provides an effective date and repeals all provisions of Ordinances or Resolutions in conflict herewith.

NOTE: Language in all sections of this ordinance that is ~~strike-thru~~ is language proposed to be deleted, underline language is language to be added, language that is not in strike-thru or underlined is not to be changed. The symbol * represents sections of the Comprehensive Plan that have been skipped and remain unchanged.**

SECTION 3: TITLE.

These comprehensive plan amendments are referred to as "Chapter 6 – Coastal Element - of the City of Destin's Comprehensive Plan – Goals, Objectives and Policies: 2020".

SECTION 4: JURISDICTION.

The lands subject to this Ordinance shall include all areas within the corporate limits of the City of Destin, Florida.

SECTION 5: INTENT.

The intent of this Ordinance is to provide orderly growth management for the City of Destin. This Ordinance provides public policy mechanisms for growth management in order to

serve the visitors, residents and property owners of Destin and maintain and improve the quality of life for all citizens of the City. The City Council of Destin finds that the goals, objectives, policies and regulations included herein are a necessary and proper means for planning and regulating the development and use of land in the City and for otherwise protecting and promoting the public health, safety, and general welfare of its citizens. The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters. This Ordinance shall be construed broadly to accomplish its stated purposes and objectives.

SECTION 6. ADOPTION OF THE AMENDMENTS TO CHAPTER 6, COASTAL MANAGEMENT ELEMENT:

CHAPTER 6: - COASTAL MANAGEMENT ELEMENT

Editor's note — ~~Ord. No. 12-13-PC, § 6(Exh. A), adopted November 3, 2014, amended chapter 6 in its entirety to read as herein set out. Former chapter 6, pertained to similar subject matter. See Table of Amendments for complete derivation.~~

~~(Reference 163.3177(6)(d), FS)~~

Introduction. ~~The Coastal Management Element focuses the City of Destin's (City's) resources to protect and enhance the coastal assets of the City. The emphasis is on achieving a balance between continuing growth, access to coastal amenities and preservation and enhancement of coastal resources.~~

~~This Element is supported by the Coastal Resources Data, Inventory, and Analysis (DIA) required pursuant to § 163.3177(6)(g) and § 163.3178, FS, and is based upon the data and analysis requirements pursuant to § 163.3177(6)(g) FS.~~

~~This element, as all others, is organized around a hierarchical series of topical Goals, Objectives, and Policies (GOPS). The Goals are broad and general, the objectives are specific and measurable, and policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.~~

~~The major topics of this element include:~~

- ~~• Coastal Resource Protection.~~
- ~~• Coastal Waters Adverse Impact Mitigation.~~
- ~~• Coastal Shorelines.~~
- ~~• Shoreline Use and Public Access Prioritization.~~

- ~~Land Use Controls and Construction Standards for Protecting the Natural Shoreline and Beach/Dune System.~~
- ~~Coastal High Hazard Area Hazard Mitigation.~~
- ~~Coastal High Hazard Area Public Infrastructure Subsidy Limitations.~~
- ~~Coastal High Hazard Area Avoidance of Population Concentrations.~~
- ~~Hurricane Evacuations.~~
- ~~Post-Disaster Redevelopment.~~
- ~~Access to Public Beach and Shoreline.~~
- ~~Historic Resource Protection.~~
- ~~Public Facility Level of Service Standards.~~
- ~~Intergovernmental Coordination within Coastal Area.~~
- ~~Continuing Evaluation of Coastal management Element Effectiveness.~~

(Reference section 163.3177(6)(g), F.S. (2019))

The Coastal Management Element addresses how the City of Destin (City) protects and enhances the coastal assets of the City. The emphasis is on achieving a balance between economic growth opportunities, access to coastal amenities, and preservation and enhancement of coastal resources. In pursuit of these goals, the City considers planning that would restrict development activities that would damage or destroy coastal resources while simultaneously protecting human life and limiting public expenditures in areas that are subject to destruction by natural disasters.

This element, as all others, is organized around a hierarchical series of topical goals, objectives, and policies (GOPS). The goals are broad and general, the objectives are specific and measurable, and the policies provide legislative and administrative guidance on how to conduct or achieve the goals and objectives.

Pursuant to section 163.3178(2). each coastal management element required by section 163.3177(6)(g) shall be based on studies, surveys, and data; be consistent with coastal resource plans prepared and adopted pursuant to general or special law; and contain

(a) A land use and inventory map of existing coastal uses, wildlife habitat, wetland and other vegetative communities, undeveloped areas, areas subject to coastal flooding, public access routes to beach and shore resources, historic preservation areas, and other areas of special concern to local government.

(b) An analysis of the environment, socioeconomic, and fiscal impact of development and redevelopment proposed in the future land use plan, with required infrastructure to support this development or redevelopment, on the natural and historical resources of the coast and the plans and principles to be used to control development and redevelopment to eliminate or mitigate the adverse impacts on coastal wetlands; living marine resources; barrier islands, including beach and dune systems; unique wildlife habitat; historical and archaeological sites; and fragile coastal resources.

(c) An analysis of the effects of existing drainage systems and the impact of point source and nonpoint source pollution on estuarine water quality and the plans and principles, including existing state and regional regulatory programs, which shall be used to maintain or upgrade water quality while maintaining sufficient quantities of water flow.

GOAL 6-1: COASTAL MANAGEMENT. RESTRICT DEVELOPMENT ACTIVITIES THAT WOULD DAMAGE OR DESTROY COASTAL RESOURCES, PROTECT HUMAN LIFE AND LIMIT PUBLIC EXPENDITURES IN AREAS SUBJECT TO DESTRUCTION BY NATURAL DISASTERS.

OBJECTIVE 6-1.1: PROTECT COASTAL RESOURCES, WETLANDS, ESTUARIES, LIVING MARINE RESOURCES, AND WILDLIFE HABITATS.

Coastal resources, wetlands, water resources, living marine resources, coastal barrier and wildlife habitats, and other natural resources shall be protected, conserved, and enhanced through implementation of the following policies:

Policy 6-1.1.1: Conserve Through Land Acquisition. The City shall ~~annually~~ evaluate opportunities to acquire coastal lands and wetlands through state and/or federal conservation land acquisition grant programs. The City has initiated a Beach Acquisition Program and intends to purchase beachfront properties to provide additional recreational opportunities for both citizens and tourists.

Policy 6-1.1.2: Protect Living Marine Resources, Coastal Wetlands, and Seagrass Beds. Development shall not cause degradation of coastal wetland habitats and seagrass beds. The City shall accomplish this through implementation of site design and stormwater management facilities that prevent runoff from lowering water quality within Choctawhatchee Bay, Destin Harbor, the City's bayous, or the Gulf of Mexico below the minimum conditions necessary to maintain State classifications as established in Chapter 62-302, F.A.C. Commercially operated marinas with in-water vessel storage shall be prohibited along Choctawhatchee Bay from Cobb's Point eastward to Indian Bayou. When evaluating sites for public boat launching facilities, the City will give highest priority to shoreline areas designated by the State Division of Aquaculture as prohibited for shellfish harvesting. Only after the City has determined that no sites are viable for public boat launch facilities within prohibited shellfish harvesting areas, shall consideration of other shoreline areas be considered.

Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline. The City shall not approve a development order until it has evaluated the

potential impact identified by the applicant and other public entities having jurisdiction over the impacted resources. The applicant shall bear the burden of demonstrating that adverse impacts on natural resources of the coastal area will be prevented and that all applicable State and/or federal regulatory measures shall be or have been satisfied. The development review process shall involve all local, regional, State, and federal entities with jurisdictional authority. All development shall:

- A. Protect fish and wildlife habitat.
- B. Prevent degradation of water quality and estuaries.
- C. Manage surface water run-off.
- D. Protect living marine resources.
- E. Reduce exposure to natural hazards.
- F. Ensure adequate public access.
- G. Preserve White Sands.

Policy 6-1.1.4: Restrict Development in Wetlands. Wetland jurisdictional determinations shall be consistent with those of the Florida Department of Environmental Protection (FDEP) and the U.S. Army Corps of Engineers (USACE).

Policy 6-1.1.5: Protect Estuarine Wetlands. No development shall be allowed to fill wetlands connected to Choctawhatchee Bay, the Gulf of Mexico, or any of the City's bayous unless such development complies with state wetland protection standards and necessary permits are obtained from the respective agency.

Policy 6-1.1.6: Reduce Commercial Land Use Impacts to Choctawhatchee Bay. Water-dependent commercial land uses shall be oriented toward Destin Harbor and shoreline areas of Choctawhatchee Bay south of Joe's Bayou where shellfish harvesting is prohibited.

Policy 6-1.1.7: Minimize Impacts of Outdoor Lighting in Coastal Areas. Outdoor lighting along Gulf shoreline areas shall not adversely impact sea turtle nesting habitat during nesting season. The City shall continue to enforce the outdoor ~~Outdoor~~ lighting standards for the marine turtle conservation zone ordinance, which controls the use of outdoor lighting for development adjacent to Gulf shoreline areas.

Policy 6-1.1.8: Enforce the Gulf Shoreline Protection Zone. Within the Gulf Shoreline Protection Zone established under Policy 5-1.5.7, land shall be retained in its natural state except for permitted minor structures approved by the City and FDEP. Where minor structures are permitted by the FDEP or for beach access facilities, only the minimum amount of land necessary to accommodate and access the structures may be constructed upon but shall not exceed more than 10% of the land area within the Gulf Shoreline Protection Zone, whichever is less. For narrow parcels or lots used for beach access facilities or emergency access (i.e., dune crossovers), the affected land area within the Gulf Shoreline Protection Zone can exceed more than 10% of the land area within the Gulf Shoreline Protection Zone but the impacted area shall not exceed a width of 20 feet. All remaining lands within the Zone shall be preserved in natural

vegetation. The City's seriously eroding coastal areas may be temporarily or permanently armored pursuant to conditions set forth in the City's Land Development Code.

Policy 6-1.1.9: Support the Artificial Reef Program. The City shall continue to support artificial reef programs sponsored by the State and County that create habitat for aquatic species and/or protect Gulf beaches from soil erosion. The City shall continue to monitor the activities of Okaloosa County as the County coordinates with the ~~U.S. Army~~ USACE, the U.S. Fish and Wildlife Service (USFWS), and the FDEP to provide inspection services for artificial reef materials and ensure that such materials are suitable for use as artificial habitats in the Gulf and Bay.

Policy 6-1.1.10: Protect Norriego Point. The City shall continue its efforts to preserve and protect Norriego Point, a peninsula separating Destin Harbor from East Pass. Appropriate portions of Norriego Point under public ownership shall be preserved as a bird rookery. The City will take all necessary measures to preserve and restore Norriego Point as outlined in the most current management plans approved by the City Council. Efforts will include coordination with the FDEP and U.S. Army Corps of Engineers. The City will continue to monitor the condition of the point and notify both agencies whenever erosion or other activities threaten the Point. The City shall continue to request that spoils materials from dredging East Pass be used to renourish and replenish Norriego Point.

Policy 6-1.1.11: Enforce the Bay Shoreline Protection Zone. Within the Bay Shoreline Protection Zone established under Policy 5-1.5.6, the land shall consist of preserved native vegetation, including canopy, understory, and ground cover. No more than 40% of the area within the zone may be used for accessory uses or structures or impervious surfaces.

OBJECTIVE 6-1.2: REDUCE ADVERSE IMPACTS TO WATER QUALITY IN COASTAL WATERS. The City shall reduce adverse impacts to water quality within Destin Harbor, Choctawhatchee Bay, the Gulf of Mexico, and adjacent bayous through implementation of the following activities:

Policy 6-1.2.1: Implement Stormwater System Improvements. Continue refinement and implementation of the Stormwater Master Plan for the City. The City shall incorporate recommended improvements annually into its Five-Year Schedule of Capital Improvements. When prioritizing stormwater improvements for available funding, the City shall take into consideration those improvements that contribute to reducing the volume of stormwater runoff entering coastal waters.

Policy 6-1.2.2: Prohibit Stormwater Run-off into Coastal Waters. Channeling run-off directly into coastal water bodies shall be prohibited.

Policy 6-1.2.3: Protect Water Quality within Destin Harbor. Upland development impacting coastal resources and water quality within Destin Harbor shall be required to provide stormwater improvements and site design that ensures post-development runoff volume and water quality of receiving waters entering Destin Harbor meets or exceeds

minimum standards established by the FDEP and Northwest Florida Water Management District (NFWFMD). For water-dependent development proposed over water within Destin Harbor, the City will continue to administer its Net Positive Environmental Benefit (NPEB) Program to assess such development a fee to support funding of infrastructure improvements that benefit or enhance water quality within Destin Harbor. Water-dependent development for purposes of this policy include marinas, boating facilities, construction supporting commercial or sport fishing, construction supporting marine activities, passenger ferries, boardwalks, and recreation-related activities. Net positive environmental benefits are the gains in environmental quality or other ecological properties attained by remediation or ecological restoration, less the environmental harm caused by those actions. The NPEB contribution shall be computed as 25% of the cost for construction occurring waterward from the mean high-water line. The NPEB fee shall only be assessed for those construction projects receiving necessary permits or exemption documentation from the Florida Department of Environmental Protection. Fees collected by the City shall be earmarked to a water quality improvement fund used only to pay for infrastructure improvements or ecological projects benefiting water quality or ecology within Destin Harbor. In lieu of payment of a fee used for water quality infrastructure improvements, the City may grant fee credit for stormwater improvements or other similar environmental projects implemented by property owners or developers if such improvement or project enhances or benefits water quality or the ecologic conditions within Destin Harbor above minimum standards established by the City and DEP.

Policy 6-1.2.4: Protect Bayous. To minimize potential future adverse impacts to the City's bayous, principal land uses located adjacent to these waters shall be limited to those supporting single family residential or conservation or recreation activities and their ancillary uses. The Future Land Use Map (FLUM) shall support such uses adjacent to the City's bayous.

Policy 6-1.2.5: Fund Stormwater Management System-related Capital Improvements. The City shall continue to fund stormwater system improvements through the Capital Improvements Program (CIP).

Policy 6-1.2.6: Monitoring Federal Standards. The City, in coordination with Destin Water Users (DWU), will monitor new and evolving EPA requirements pertaining to stormwater runoff and treatment.

Policy 6-1.2.7: Require Pump-out Facilities. ~~The City shall explore opportunities for a pump-out program.~~ The City encourages Clean Marina programs by reducing impact fees (i.e., Net Positive Environmental Benefit (NPEB)) for private marinas that provide pump out facilities.

OBJECTIVE 6-1.3: PROTECT AND ENHANCE COASTAL SHORELINES. Coastal shorelines shall be protected and enhanced through the following programs or activities:

Policy 6-1.3.1: Reduce Shoreline Erosion Through the Land Development Code. The City shall continue to enforce its Shoreline Protection Ordinance. No native vegetation shall be removed from the coastal or wetland shoreline without a duly

authorized permit from the city and state agencies, as applicable. Development along the shoreline shall revegetate, stabilize, and enhance damaged vegetative shorelines by planting native vegetation which:

- A. Contributes to fish and wildlife habitat, marine productivity and water quality.
- B. Offers protection from erosion and flooding.
- C. Contributes to the natural soil building process.

~~See also Policy 5-1.5.7 (Gulf Shoreline Protection Zone) of the Conservation Element.~~

Policy 6-1.3.2: Control Boat Launching Locations. The City shall prohibit boat launching from various rights-of-way that are not designated as public boat ramps and restrict the creation of random water access points.

Policy 6-1.3.3: Preserve Coastal Vegetation. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and/or state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio. Hardening of the shoreline with bulkheads or other similar devices shall not be allowed without proper permits.

Policy 6-1.3.4: Support Coastal Revegetation Programs. The City shall continue to support programs administered by the FDEP, the University of Florida Institute of Food and Agricultural Science (IFAS), and the Choctawhatchee Basin Alliance (CBA) to plant coastal vegetation and sea oats along shoreline beaches. ~~The City shall also annually evaluate available state grant funds to assist revegetation activities along the City's shoreline.~~

Policy 6-1.3.5: Support Beach Re-nourishment Programs. The City shall continue to support the FDEP's Beach Erosion Control Plan. The City shall ~~annually~~ evaluate available grant funds administered by the FDEP for beach restoration and re-nourishment. ~~(Language that duplicated 6-1.4.5 was removed.)~~

Policy 6-1.3.6: Support Artificial Reef Programs. The City will continue to support State programs to create near-shore artificial reefs that reduce shoreline erosion.

Policy 6-1.3.7: Manage Impact of Coastal Development on Tidal Patterns. No development shall produce changes in the tidal flushing and circulation patterns unless all agencies having jurisdiction grant clearance and the applicant has submitted hydrographic information sufficient to clearly demonstrate that no adverse environmental impacts shall be occasioned by the proposed changes in tidal flushing and circulation patterns. No alteration in tidal flow shall be permitted that causes stagnation or siltation.

Policy 6-1.3.8: Prevent Erosion Impacts Generated by Motorized Watercraft. Where the City experiences shoreline erosion from wave impacts generated by watercraft operating within near shore areas and within bayous, coordination will occur with the State Office of Waterway Management (SOWM) regarding establishment of no wake zones, watercraft speed limits, or boating restrictions within the affected

shoreline areas. For areas where existing boating restrictions are posted, the City will coordinate with SOWM ~~State Office of Waterway Management~~ regarding increased enforcement activities.

Policy 6-1.3.9: Coordinate Sand Deposits at Norriego Point. The City shall continue to coordinate with the USACE regarding depositing sands dredged from East Pass onto Norriego Point.

Policy 6-1.3.10: Pursue Beach Re-nourishment and Stabilization. The City shall continue to pursue beach re-nourishment and stabilization along its entire boundary with the Gulf of Mexico.

OBJECTIVE 6-1.4: PRIORITIZE SHORELINE USES AND PROVIDE PUBLIC ACCESS TO SHORELINE. Within shoreline protection areas, the City shall promote land uses and development that are compatible with the protection of shorelines and their associated dune or coastal wetland systems.

Policy 6-1.4.1: Criteria for Prioritizing Shoreline Uses and Public Shoreline Access. In reviewing applications for shoreline development, first priority shall be directed to the following shoreline uses:

- A. Non-structural shoreline protection uses such as native shoreline revegetation programs.
- B. Approved water-dependent shoreline uses such as pile supported access ways and duly permitted dock facilities and commercial marinas. All such facilities shall satisfy all provisions of the City's land development regulations and obtain requisite permits from all environmental permitting agencies prior to obtaining City approval. Proposed marinas shall not be approved unless the applicant demonstrates that the marina site is consistent with the City's conservation and coastal management policies. Such uses must comply with all relevant criteria in this Comprehensive Plan. Priority shall be directed to water dependent uses that are available for public use.
- C. Non-water dependent uses.

Second priority shall be directed toward water-related uses such as:

- A. Parking facilities for shoreline access located outside wetlands and dune systems.
- B. Residential structures that comply with the building code for structures within the coastal building zone.
- C. Recreational facilities that comply with applicable codes.

Policy 6-1.4.2: Provide Public Shoreline Access. Development along the Gulf of Mexico shoreline shall use site design that discourages pedestrian access across dune systems and shall reduce pedestrian impacts to coastal vegetation by providing narrow accessways between land uses and beach areas. The design and type of accessway or boardwalk shall use best management practices promoted by the FDEP.

Policy 6-1.4.3: Apply Site Design Promoting Coastal Community Character. Development occurring along the Gulf of Mexico, Choctawhatchee Bay, or the City's bayous shall apply site design that provides breezeways, promotes scenic corridors, and allows view of coastal water from adjacent properties or roadways separated from the shoreline. Building orientation, scale, mass, and architecture shall promote scenic vistas and open space connections from the beachfront side of a property to its boundaries abutting adjacent public streets.

Policy 6-1.4.4: Implement Beach Access Point Level of Service Standards. The Land Development Code (LDC) shall include criteria for evaluating new development for compliance with the City's beach access point level of service standard. The LDC shall also include development incentives to encourage new development occurring along shoreline areas to dedicate easements or to donate land for use as public accessways leading to shoreline areas along the Gulf and Choctawhatchee Bay.

Policy 6-1.4.5: Coordinate with Tourist Development Council and Board of County Commissioners. ~~14 Prior to the next EAR, The City shall request~~ coordinate with the Okaloosa County Tourist Development Council (TDC) and the Okaloosa County Board of County Commissioners ~~to participate in a joint study with the City to prepare a beach access plan to identify potential locations for access points, establish minimum design standards for beach access facilities, and determine annual funding sources for maintenance of existing access facilities and installation of new facilities. Furthermore, the City shall request the Okaloosa County TDC and the Okaloosa County Board of County Commissioners to dedicate annual funding to construct new and maintain existing beach access facilities.~~

Policy 6-1.4.6: Public Access Inventory. The City will maintain and keep an inventory of public beach access facilities.

OBJECTIVE 6-1.5: LAND USE CONTROLS AND CONSTRUCTION STANDARDS FOR PROTECTING THE NATURAL SHORELINE AND THE BEACH/DUNE SYSTEM. Shoreline areas shall be protected by prohibiting construction of manmade structures along publicly owned beaches, excepting beach access structures compliant with construction standards of the FDEP. In addition, water dependent structures such as lifeguard stands or those related to beach re-nourishment (as approved by the FDEP) may be constructed if such structures meet the construction standards of federal and state agencies having jurisdiction. Any such construction activity must include measures to restore the beach and vegetation pursuant to a plan approved by the federal and ~~and/or~~ state agencies having appropriate jurisdiction. No vegetation shall be removed unless the applicant agrees to a mitigation plan to ensure that revegetation occurs. Appropriate federal and ~~and/or~~ state agencies having jurisdiction shall approve the mitigation plan and establish the appropriate revegetation ratio.

Policy 6-1.5.1: Enforce Development Restrictions Seaward of the Coastal Construction Control Line (CCCL). The City shall coordinate the development review process by forwarding all applications for construction seaward of the ~~Coastal Construction Control Line~~ CCCL to FDEP for jurisdictional action. Following such

action, any construction permitted by the State shall comply with best management principles and practices for respective activities and shall receive permits from all other public agencies having jurisdiction.

Policy 6-1.5.2: Support Natural Shoreline and Beach/Dune Stabilization. Shoreline development and access shall continue to be restricted in order to preserve the shoreline. Rigid shoreline protection structures are not permitted except for those structures approved by FDEP or the USACE ~~U.S. Corps of Engineers~~. When beach re-nourishment projects are needed, the dune system should be restored, as necessary, using natural, indigenous vegetation.

Policy 6-1.5.3: Enforce Restrictions on Operation of Vehicles on Beaches. The City shall continue to enforce restrictions that prohibit any motorized vehicle upon or over the City's incorporated portion of the beach adjacent to the Gulf of Mexico, excepting mechanical beach cleaning equipment, public safety and emergency vehicles, and vehicles permitted by the FDEP.

Policy 6-1.5.4: Restore Beach and Dune Systems. The City shall continue to coordinate with the FDEP ~~Florida Department of Environmental Protection~~ to require beach and dune system restoration where development is proposed on the adjacent upland to the primary dune system and where breaches are caused in any portion of a dune system. Furthermore, beach and dune system restoration shall be incorporated into the landscape plan required for new development. The property owner is required to maintain and restore beach and dune systems, including all coastal vegetation, occurring within the parcel or lot consistent with the landscape plan. The LDC shall require dune and beach restoration plans as part of the landscape standards.

Policy 6-1.5.5: Enforce Marina Siting Criteria and Construction Standards. The City shall continue to enforce its regulations for marina siting in accordance with the FDEP and USACE, ~~Northwest Florida Coast Resource Management Plan~~.

Policy 6-1.5.6: Enforce Federal Emergency Management Agency (FEMA) Construction Standards. The City shall continue to enforce FEMA construction standards for development that occurs within the 100-year floodplain or flood prone designated areas. The City's floodplain management standards exceed the minimum standards set by the National Flood Insurance Program (NFIP) as well as the Florida Building Code (FBC). The two-foot freeboard requirements apply to all structures in "A" zones where elevation is required by the FBC. Property located in the "V" zones are treated differently as they oftentimes have areas below the Base Flood Elevation (BFE) used only for parking, access and storage as allowed in 40 CFR 60.3, the LDC and the FBC.

Policy 6-1.5.7: Protect Wildcat Mountain. The City shall prohibit the removal of sand from Wildcat Mountain to retain and preserve the dune system, except for the allowance of minor grading and filling necessary to accommodate development occurring thereon.

OBJECTIVE 6-1.6: MITIGATE HAZARDS IN THE COASTAL HIGH HAZARD AREAS (CHHA). Development shall occur in a manner that minimizes danger to life and property occasioned by hurricane events. The LDC shall continue to include performance standards regulating development activities to minimize threat to life and property occasioned by hurricane events by ensuring that any development order approved by the City is coordinated with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans. The City shall designate as necessary, an adaptation action area for low-lying coastal zones experiencing coastal flooding due to extreme high tides and storm surge and are vulnerable to the impacts of rising sea level. ~~The City shall eliminate uses that are inconsistent with interagency hazard mitigation reports deemed appropriate by the City.~~ This objective shall be measured through implementation of the following Policies.

Policy 6-1.6.1: CHHA Defined. As defined in § 163.3178(2)(h) FS Coastal Management, The Coastal High-Hazard Area (CHHA) is the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 6-1.6.2: Hazard Mitigation Management. The City shall continue to participate in the County's technical coordinating committee in preparing the hazard mitigation component of the Comprehensive Emergency Management Plan. Updates of the Plan shall identify specific actions that may be implemented to reduce exposure to natural hazards.

In addition, the City shall enforce more restrictive land use controls within the CHHA than in areas outside of the CHHA, including but not limited to:

- A. Not allowing increases in maximum density as identified in the Future Land Use Map.
- B. Performance criteria within the LDC shall mandate that all development and redevelopment within the CHHA comply with the following regulatory techniques for hazard mitigation:
 - 1. State and local regulations establish CCCL ~~coastal construction control lines~~, as well as applicable state and local construction codes regulating construction activity in coastal areas.
 - 2. Surface water management improvements that mitigate against loss of flood plain and comply with adopted surface water management level of service standards for drainage cited in the Public Facilities Element.
 - 3. Publicly funded infrastructure shall not be built within the CHHA unless the facility is for the protection of public health and safety, creation of open space, implementation of beach restoration or shoreline erosion protection programs.
 - 4. Land use controls shall ensure that wetlands are preserved and protected from the adverse impacts of development.
 - 5. Dune and beach system restoration including ongoing maintenance of coastal vegetation.

- C. A multi-agency site plan review process shall be initiated to ensure that all proposed development or redevelopment having adverse impacts on water quality, wetlands, shoreline stabilization, natural habitats, fish or wildlife, hurricane evacuation, or other coastal resources, shall be coordinated with County, State, federal, or regional agencies having jurisdiction. A primary function of this review process shall be to effectively reconcile hazard mitigation issues prior to issuance of any development orders.

Policy 6-1.6.3: Implement General Hazard Mitigation. The LDC shall restrict the density/intensity of development within the high hazard area as denoted on the Future Land Use Map Series. Furthermore, the state and local coastal construction control lines shall be enforced. Performance criteria shall stipulate the need to reduce exposure of human life and property to natural hazards.

Policy 6-1.6.4: Hazard Mitigation and Redevelopment. In the event ~~of that Destin faces~~ a major disaster or ~~if~~ included in a Presidential Disaster Declaration, the City shall implement the adopted Post Disaster Redevelopment Plan and the interagency hazard mitigation report when adopting a redevelopment plan for the affected areas. Interagency hazard mitigation report shall mean the recommendations of a team of federal, state, regional, or local officials addressing measures that reduce the potential for future flood losses and which is prepared in response to a major disaster or a Presidential Disaster Declaration. The City will amend its local mitigation plan or implement a new program in order to reduce risks of natural disaster and ensure compliance with Federal, State, or regional regulations, imposed on the receipt of Federal monies under the Robert T. Stafford Disaster Assistance and Relief Act. ~~Public Law 93-388.~~

Policy 6-1.6.5: Coastal Population Densities and Hurricane Evacuation. ~~Prior to the next EAR,~~ The City of Destin shall amend the LDC to include administrative procedures ensuring that any development order approved by the City complies with the Okaloosa County Hurricane Evacuation Plan and applicable regional or State hurricane evacuation plans.

Policy 6-1.6.6: Hurricane Evacuation and Roadway Improvements. The City shall promote, to the extent possible, improvements to the critical roadway segments identified in the Statewide Regional Evacuation Study for northwest Florida. ~~delineated in the Tri-State Hurricane Evacuation Study, USACE, 1997 (reference Appendix C of the Study).~~ Promotion of roadway improvements shall be accomplished through the City's participation with the Okaloosa-Walton Transportation Planning Organization (OWTPO) and the Florida Department of Transportation (FDOT).

OBJECTIVE 6-1.7: LIMIT PUBLIC SUBSIDY OF DEVELOPMENT IN THE CHHA. The City shall limit public expenditures that subsidize private development permitted in the CHHA, including high velocity storm surge areas. However, public funds for improved public facilities, such as improvements to roads, potable water, wastewater, or drainage included in the Capital Improvements Element, and water dependent structures, such as beach accessways, piers, and beach renourishment activities, may be permitted

where approved by state and/or federal agencies having jurisdiction, and where required to implement the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.7.1: Existing Infrastructure in the CHHA. ~~Within two years of Plan adoption, The City shall establish a list of infrastructure facilities located in the CHHA that could be relocated, mitigated or replaced should state funding become available for such activities. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The City maintains a list of critical facilities under its NIFP and Community Rating System (CRS) programs. Infrastructure is defined as roads, bridges, sanitary sewer facilities, and potable water facilities. The list of critical facilities also includes, schools, public safety buildings, municipal buildings, and healthcare facilities. The City shall give priority for relocating, mitigating, or replacing infrastructure facilities to the facilities located in the high velocity storm surge areas.~~

Policy 6-1.7.2: Future Infrastructure in the CHHA. The City shall continue to allow infrastructure facilities to be constructed within the CHHA provided that the facilities are necessary to serve the existing and/or future population, and such infrastructure facilities are constructed in a manner that minimizes the impacts from storm events.

Policy 6-1.7.3: Prohibit Septic Tanks in the CHHA. The City shall not approve development that proposes installation of new septic tanks within the CHHA.

Policy 6-1.7.4: Public Expenditures in the CHHA. Public funds shall be expended in the CHHA only in developments: that comply with residential densities adopted in this plan that will produce no adverse effects to the surrounding land uses or the environment without approved mitigation plans; and/or, that would further open up the waterfront to public access.

Policy 6-1.7.5: ADAPTION ACTION AREA DESIGNATION. By Fiscal Year 2022, the City will identify areas for which land elevations are below, at or near mean high water, which have a hydrologic connection to coastal waters, or which are designated as evacuation zones for storm surge.

OBJECTIVE 6-1.8: AVOID POPULATION CONCENTRATIONS IN CHHA. The City shall direct population concentrations away from CHHA by not increasing the density of residential development and redevelopment within the CHHA above that allowed by the City's FLUM. The City's FLUM mandates maximum density thresholds for properties within the CHHA. The density threshold varies with the severity of environmental constraints of each site and the proximity of the site to the shoreline. The intent of the density allocation is to direct population concentrations away from CHHA to the greatest extent consistent with the State Comprehensive Plan private property rights goal and related policies [~~Reference Ch. 187.201(16)(a and b), FS~~].

Policy 6-1.8.1: Restrict Development in CHHA. The City shall continue to allow development within the CHHA; however, the City shall direct population concentrations, including nonresidential development, away from these areas.

Residential development and/or redevelopment in the CHHA shall not exceed the residential densities shown on the FLUM ~~Future Land Use Map~~ for that property.

Policy 6-1.8.2: Enforce CHHA Construction Standards. Within the CHHA, the City shall allow no new permanent residential structures, which do not meet the construction standards required by the FDEP if the construction is seaward of the CCCL or by the FEMA construction standards if located within applicable flood zones.

OBJECTIVE 6-1.9: COORDINATE HURRICANE EVACUATIONS. The City shall coordinate with State, regional, and county agencies ~~Okaloosa County and Walton County~~ in evaluation of major evacuation routes and determining where operational improvements can be made to maintain or reduce hurricane evacuation times. ~~through the implementation of the following policies:~~

~~**Policy 6-1.9.1: Utilize Emergency Management Plans.** Through the City's emergency management department, the City shall manage its local emergency plan and utilize the recommendations provided in the latest revision of the Okaloosa County Emergency Management Plan (CEMP). The Northwest Florida Hurricane Evacuation Study (July 1999) should also be consulted where information is still current.~~

Policy 6-1.9.1: Utilize Emergency Management Plans. The Division of Emergency Management will be responsible for preparing regional hurricane evacuation plans. In the event of a natural disaster, the City shall respond to the instruction and guidance of the Okaloosa County Emergency Management office. The City shall also periodically review the hurricane evacuation plan and will update and revise such plans based upon data from the Statewide Regional Evacuation Study for northwest Florida.

Policy 6-1.9.2: Coordinate Hurricane Evacuation Logistical Support. To prevent congestion on roads and overcrowding at evacuation centers, the City shall coordinate with Okaloosa County in disseminating information concerning the need for residents to evacuate at various hurricane threat levels. ~~The City shall coordinate with the County and the Okaloosa County Emergency Management Director in assisting implementation of the County's campaign to educate the general citizenry regarding emergency preparedness plans, including specific citizen directives.~~

Policy 6-1.9.3: Plan for Future Coordination with the County in Emergency Preparedness. ~~To provide for safe and efficient evacuation of the residents of Destin, in the event of a hurricane, The City shall coordinate with Okaloosa County in annually updating the County's Comprehensive Emergency Management Plan. The City shall coordinate with the County in updating hurricane evacuation center assignments as well as other policy formulation surrounding land use and emergency preparedness. This update shall enable the County and incorporated municipalities to plan for future population densities that will neither adversely impact the efficiency of the evacuation plan nor increase evacuation times. The City shall also coordinate with the County in updating hurricane evacuation shelter assignments as well as other policy formulation surrounding land use and emergency preparedness.~~

Policy 6-1.9.4: Designate Hurricane Evacuation Routes. The City designates Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge as the primary evacuation routes out of Destin as part of its Hurricane Evacuation Plan.

Policy 6-1.9.5: Coordinate Re-Entry Following a Hurricane Evacuation. The City shall coordinate with Walton County and Okaloosa County Emergency Management Services to coordinate efficient and safe re-entry into the City following a mandatory evacuation. ~~The City's adopted Post Disaster Redevelopment Plan shall be used as its established program addressing re-entry into the City when destruction and damage to buildings and infrastructure have occurred due to a storm event that resulted in evacuation.~~

Policy 6-1.9.6: Improve Hurricane Evacuation Time. The City shall continue to support programs that reduce evacuation time through improved warning and evacuation notification systems. To improve hurricane evacuation time, the City has almost completed ~~shall plan~~ the construction of an alternative east/west roadway parallel to and north of Harbor Boulevard/Emerald Coast Parkway. The City shall incorporate this new roadway into its hurricane evacuation plans as an alternative route to Harbor Boulevard/Emerald Coast Parkway in the event an accident, traffic congestion, or flooding limits or prevents use of the highway along any portion from Danny Wuerffel Way to Calhoun Ave. The City shall also coordinate with FDOT regarding available funding ~~FDOT funds~~ to support construction of an alternative east-west evacuation route for Harbor Boulevard/Emerald Coast Parkway.

Policy 6-1.9.7: Evaluate Hurricane Evacuation Clearance Times. The City shall ~~annually~~ perform a hurricane clearance time analysis as part of the City's ~~annual~~ transportation concurrency review using pre-impact and best practices outlined in the National Hurricane Program. ~~As part of the clearance time analysis, the transportation model shall determine when traffic conditions result in unreasonable clearance times. The City shall coordinate the clearance time analysis with the Okaloosa County Emergency Management Division to access modifications for timing of evacuation notices.~~

Policy 6-1.9.8: Hurricane Evacuation Carrying Capacity Study. Continue to monitor and evaluate the carrying capacity of all evacuation routes within the City. Based on the findings of the carrying capacity study, the City shall identify transportation improvement needs, hurricane preparedness actions, or land use controls to assure timely evacuation of the entire City prior to hurricane landfall. ~~As evacuation routes are also used by residents and visitors within Walton County and Okaloosa County, the City shall request participation from Walton County and Okaloosa County in the preparation of a carrying capacity study for Harbor Boulevard/Emerald Coast Parkway and other evacuation routes leading from coastal areas to the mainland.~~

OBJECTIVE 6-1.10: POST-DISASTER REDEVELOPMENT. The City maintains a post-disaster redevelopment plan which is coordinated with Okaloosa County's post-disaster redevelopment plan. All redevelopment activities after a hurricane storm event must comply with this redevelopment plan and according to the goals, objectives, and policies of the Comprehensive Plan.

Policy 6-1.10.1: Recovery Operations and Post-Disaster Redevelopment. The City shall continue coordination with Okaloosa County to modifying the Comprehensive Emergency Management Plan ~~when necessary~~ to address changes that may result from growth and development anticipated within the Comprehensive Plan. The Post-Disaster Redevelopment Plan shall include strategies for post-disaster recovery operations, including the management of redevelopment and reconstruction within the City and the CHHA. The management plan, at minimum, should provide a basis for considering the following activities during times of natural disaster:

- A. Ensuring a means to restore economic activity, including the tourist industry and water-related businesses.
- B. Establishing a framework for deciding whether to implement a temporary moratorium on building activity as may be required for public safety.
- C. Developing procedures for reviewing and deciding upon emergency building permits.
- D. Coordinating with State and Federal officials to prepare disaster assistance applications.
- E. Analyzing and recommending to the City Council hazard mitigation options, including reconstruction or relocation of damaged public facilities.
- F. Developing a redevelopment plan.
- G. Recommending amendments to the Comprehensive Emergency Management Plan and other appropriate policies and procedures.

Policy 6-1.10.2: Coordinate Amendments to the Redevelopment Plan. The City shall coordinate any amendments to its Post-Disaster Redevelopment Plan with the Okaloosa County Emergency Management Office for compliance with the Comprehensive Emergency Management Plan.

Policy 6-1.10.3: Repair and Cleanup. In planning post-disaster redevelopment activities, factors to be considered to protect the public health and safety shall include:

- A. Repairs to potable water, wastewater and power facilities.
- B. Removal of debris.
- C. Stabilization or removal of structures in a perilous condition.
- D. Minimal repairs to make structures habitable.

These considerations shall receive first priority in determining the appropriateness of emergency building permits. Long-term redevelopment activities shall be postponed until the Recovery Task Force has coordinated immediate repair and cleanup operations.

Policy 6-1.10.4: Manage Unexpected Redevelopment Activities. The City shall manage unanticipated future redevelopment activities necessitated by hurricane events or other natural disasters through this Plan and adopted land development regulations. Immediate recovery actions needed to protect the public health and safety shall take

priority in permitting decisions following hurricane storm events or other natural disasters. Recovery actions to reconstruct housing and services for year-round residents and the local workforce shall take priority over reconstruction of structures supporting seasonal and tourist population.

Policy 6-1.10.5: Redevelopment Compliance Codes and Plans. If rebuilt, structures that suffer damage in excess of 50% of their appraised value shall be rebuilt in accordance with all current and applicable land use and building code requirements upon adoption of the LDC.

Policy 6-1.10.6: Review Building Facilities. The City shall establish a process for reviewing available alternatives for managing damaged public facilities following a hurricane event, including coordination with Destin Water Users, Inc. The procedures shall evaluate future options for such facilities, including, but not limited to, abandonment, repair in place, relocation, and reconstruction with structural modifications. The City shall consider these options based on the following considerations:

- A. Cost to construct.
- B. Cost to maintain.
- C. Recurring damages.
- D. Impacts on land use.
- E. Impacts on the environment.
- F. Public sector.
- G. Repair to any public facilities that shall be deemed historic structures according to the inventory of the National Register of Historic Places shall be guided by the U.S. Secretary of the Interior's Guidelines for Rehabilitation until such time as the City adopts other guidelines and standards for the repair of historic structures.
- H. Other relevant factors.

Policy 6-1.10.7: Maintain a Disaster Assistance Contingency Fund. The City shall maintain a contingency fund to cover the City's required match for disaster assistance grants.

Policy 6-1.10.8: Limit Redevelopment of Nonconforming Structures. If a nonconforming structure is substantially damaged (based on the definition in Chapter 161, FS) or abandoned, it shall be rebuilt only to the extent that complies with the current Future Land Use designation, and, density, and intensity for the affected property.

Policy 6-1.10.9: Participate in the National Flood Insurance Program. The City shall continue its participation in the National Flood Insurance Program.

Policy 6-1.10.10: Help Improve the National Flood Insurance Program. The City shall continue to identify inappropriate Flood Insurance Rate Map (FIRM) and Coastal

Barrier Resource Systems (CBRS) map designations within the City and work with the appropriate federal agency to provide the correct map designations.

OBJECTIVE 6-1.11: MAINTAIN ACCESS TO PUBLIC BEACH AND SHORELINE.

The City shall maintain land use policies that promote continuance of the existing shoreline access and water dependent and related activities described in the Coastal Management Element data inventory and analysis. Beaches shall remain unobstructed and, to the extent lawful, no barriers shall be erected which prevent pedestrian access along the shoreline, subject to reasonable regulations, such as closing times, access, and use.

Policy 6-1.11.1: Maintain Public Beach Access. The City shall continue to maintain all designated public beach access points.

Policy 6-1.11.2: Publicly Funded Gulf Front Development Must Provide Beach Access. Publicly funded projects that improve, change or in some way support shorefront development shall provide for public access to the shoreline, as well as the necessary support facilities and services, such as boardwalks, beach/dune walkovers, parking lots, restrooms and refuse collection.

Policy 6-1.11.3: Consider Scenic View in Site Plans. Waterfront development shall include design measures that provide, enhance and preserve scenic views of the water for the general public from public rights-of-way. Structures along the shoreline shall be designed to prevent walling off of waterfront views. The LDC shall regulate building location, intensity, and design to protect or enhance scenic views. The site plan and building criteria within the LDC shall require new development to demonstrate that views of adjacent water bodies will be preserved.

Policy 6-1.11.4: Enhance Waterfront Access ¹. ~~Prior to the next EAR, The City has developed cost comparative metrics for several potential beach front property acquisitions. The City shall conduct a study to identify additional shoreline access opportunities and assess the cost-benefit of each; and amend the LDC to include procedures and substantive provisions that protect and ensure public access to the priority shoreline areas.~~

Policy 6-1.11.5: Coordinate with Okaloosa County. ~~The City shall coordinate Coordinate all beach access planning, funding, and implementation with Okaloosa County, when necessary. in recognition that the County's Tourist Development Council and other components of the County's budget to fund various aspects of beach maintenance and enhancement. The City and County should be encouraged to coordinate more fully in public access projects to encourage county participation in funding.~~

OBJECTIVE 6-1.12: PROTECT HISTORIC RESOURCES LOCATED IN COASTAL AREAS. The City shall ensure protection of historic resources within coastal areas and shall ensure that there shall be no loss of historic resources on City owned property. The City shall coordinate with the appropriate agencies in the protection, preservation, or sensitive reuse of historic and/or archeological resources. ~~The LDC shall ensure that historic resources on public and private property within coastal areas shall be~~

~~protected, preserved, or reused in a manner sensitive to the historic properties of the site and/or structure.~~

Policy 6-1.12.1: Promote Identification of Historic, Archaeological, and Cultural Resources. ~~Ensure that all municipal actions encourage and promote the preservation of the City's historic resources. To this end. The City shall continue to support efforts to~~ identify historic sites and register them with the appropriate agencies. The City shall coordinate with the State Division of Historic Resources, local historical groups, and others ~~in continuing~~ to identify, document and preserve the City's historical, archaeological, and cultural resources.

Policy 6-1.12.2: Performance Standards for Protecting Sites of Historic or Archaeological Significance. The City shall establish historic overlay districts and guidelines, as necessary, to establish controls for safe construction practices and for retaining the character of development within said districts. The LDC shall include provisions to address adverse impacts to historic or archaeological sites of significance created by development or redevelopment of the site.

OBJECTIVE 6-1.13: MAINTAIN PUBLIC FACILITY LEVEL OF SERVICE STANDARDS IN COASTAL AREAS. The City shall allow no development in the coastal area unless the established level of service standard is maintained, and infrastructure needs are fulfilled in compliance with the City's Concurrency Management System within the Capital Improvements Element.

Policy 6-1.13.1: Maintain Level of Service Standards within Coastal Areas. The entire jurisdictional area of Destin is a coastal area. The level of service standards shall be those established within other elements of the Comprehensive Plan.

Policy 6-1.13.2: Maintain Beach Re-nourishment Standards. Any future proposed beach re-nourishment project shall follow best management practices and shall secure the required permits from all federal and state agencies having jurisdiction, including the FDEP.

Policy 6-1.13.3: Coordinate Infrastructure Availability and Timing. Future development shall be directed to those areas where public facilities are available concurrent with the impacts of the development or redevelopment. Development and redevelopment shall occur only at the densities proposed by the future land use plan, consistent with coastal resource protection and safe evacuation. The City shall ensure that funds for future needed infrastructure improvements are phased to coincide with demands generated by development or redevelopment. To ensure appropriate timing and staging, no development order shall be granted until a plan is submitted by the developer or applicant to the City which demonstrates that all required infrastructure shall be in place and available for use by the development concurrent with the impacts of development. The infrastructure shall be designed in a manner consistent with the existing and projected future demands generated by development projected in the future land use element. The infrastructure shall also be consistent with applicable local, regional and state coastal resource protection policies.

OBJECTIVE 6-1.14: MAINTAIN INTERGOVERNMENTAL COORDINATION WITHIN THE COASTAL AREA. The City shall maintain an intergovernmental coordination mechanism to manage coastal resources within the jurisdiction of more than one local government or public agency. The City shall assist other agencies in implementing appropriate portions of existing multi-jurisdictional resource planning and management plans addressing the coastal area, including management of surface water runoffs, impacts of development on coastal waters and living marine resources.

Policy 6-1.14.1: Intergovernmental Coordination for the Coastal Area. The City shall coordinate with Okaloosa County, Walton County, and appropriate regional, state, and federal agencies in managing coastal resources. Management activities shall include, but not be limited to, the following:

- A. The City shall coordinate the following coastal resource management issues that transcend jurisdictional lines with Okaloosa County, Walton County (when appropriate), and the ~~Northwest Florida Water Management District~~ (NWFMD):
 - 1. Forums and technical review concerning emergency preparedness and hurricane evacuation issues and update of the Comprehensive Emergency Management Plan, including hurricane evacuation plans.
 - 2. Technical review and in formulation of policies concerning the Harbor Boulevard/Emerald Coast Parkway and Mid-Bay Bridge corridors, including stormwater management policies. This activity shall also be coordinated with the FDOT.
 - 3. Public access issues including issues surrounding maintenance and improvements.
 - 4. Issues surrounding conservation of the shoreline of the Gulf and Bay. This activity shall also be coordinated with the USACE and the FDEP as appropriate.
 - 5. The inclusion of the appropriate regulatory agencies having planning jurisdiction over coastal areas in the City's efforts at providing enhanced public access to the beaches.
- B. The City shall establish a multi-agency development review process to coordinate intergovernmental and resource management issues surrounding proposed development and redevelopment. The City shall also incorporate procedures in the LDC to ensure that all issues surrounding development impacting wetlands or other resources under federal and/or state jurisdiction are managed based on timely coordination, exchange of information, and appropriate follow up by the City and all agencies having jurisdiction. The City shall require the applicant to get jurisdictional determinations from all appropriate agencies prior to the issuance of development orders or building permits for all sites within the City. The City shall coordinate with the U.S. Coast Guard, U.S. Fish and Wildlife Service, the USACE, FDEP, NFWFMD, the ~~Emerald Coast West Florida~~ Regional Planning Council (ECRC), and other federal, state, and regional agencies as may be appropriate in managing the following activities:

1. The City shall coordinate all development and resource conservation measures impacting the waters of the Gulf and Choctawhatchee Bay with the above cited agencies as well as other applicable public agencies. These activities shall include, but not be limited to, review of proposed development potentially impacting natural resources, including development petitions for docks, shoreline stabilization, dredging, or other alteration of natural resources under Federal or State jurisdiction.
 2. All applications for development activity impacting waters of the State or other lands under the jurisdiction of the State shall be coordinated with agencies having appropriate jurisdiction.
 3. The City shall coordinate with technical staff within FDEP and NFWMD to ensure implementation of sound principles and practices of coastal resource management during the development review process as well as in the formulation of policies impacting coastal resource management.
 4. The City shall coordinate with the NFWMD, FDEP, as well as other appropriate State agencies in matters surrounding stormwater management, drainage, water quality and quantity, and consumptive use permitting.
- C. The City shall coordinate on a continuing basis with the ECRC ~~WERPC~~ in preparing the Comprehensive Plan and amendments to ensure consistency with the ECRC ~~WERPC~~ Comprehensive Plan. In addition, the City shall coordinate other planning issues of regional significance with the ECRC ~~WERPC~~. The City shall forward copies of development proposals within the coastal area to public agencies having jurisdiction in the management of potentially impacted natural resources.

OBJECTIVE 6-1.15: CONTINUE EVALUATION OF COASTAL MANAGEMENT ELEMENT EFFECTIVENESS. The City shall use the following policies as criteria in evaluating the effectiveness of the Coastal Management Element:

Policy 6-1.15.1: Review the Impact of Changing Conditions on Coastal Management Policy. The City shall monitor and evaluate significant changes in the characteristics of natural coastal resources. Policy implications of such changes shall be examined, and corrective measures shall be pursued. Coastal management policies shall be refined as needed to remain responsive to evolving problems and issues.

Policy 6-1.15.2: Schedule, Budget, and Implement Programmed Activities. The timely scheduling, programming, budgeting and implementation of programmed coastal management activities identified in this Element shall be evidence of the City's effectiveness in carrying out a systematic program for implementing coastal management goals, objectives, and policies.

Policy 6-1.15.3: Coordinate with Public and Private Sectors. While continually implementing and evaluating the Coastal Management Element, the City shall maintain a process of intergovernmental coordination as well as coordination with private sector groups interested in coastal management policy and programs. The effectiveness of this approach shall be evaluated by the success of coordination mechanisms in resolving coastal management problems and issues.

Policy 6-1.15.4: Monitor Achievement of Coastal Management Goals. The effectiveness of the Coastal Management Element shall be measured by the City's success in achieving coastal management goals, objectives, and policies. The City's coastal management goals, objectives, and policies are supported in the City LDC. The City continues to monitor the achievement of the coastal management objectives through land use changes, density classification, and flood plain management strategies. In addition, The Coastal Management Element incorporates a systematic planning process to identify coastal management problems, and issues, and implement corrective actions.

OBJECTIVE 6-1. 16: PRESERVE RECREATIONAL AND COMMERCIAL

WORKING WATERFRONTS. The City shall encourage shoreline development of those land uses which are dependent on or related to access to the water.

Policy 6-1.16.1. Encourage Shoreline Development Related to Water Access. The City shall preserve recreational and commercial waterfronts through proper land use planning, the public acquisition of land for parks and open space and shall continue to provide the siting of water dependent and water-related uses through the zoning guidelines of appropriate land use districts.

OBJECTIVE 6-1.17: REDUCE RISK IN COASTAL AREAS. The City recognizes the risk of being impacted by damaging winds and flooding increases for those properties located closer to shorelines and low-lying coastal areas. To ensure that future development occurs in a manner that minimizes risk, the City will implement principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise.

Policy 6-1.17.1: Reduce Flood Risk. In order to reduce flood risk from, or associated with, high-tide events, storm surge, flash floods, stormwater runoff, and the impacts related to sea-level rise, the City will actively enforce the development and redevelopment standards outlined in the Florida Building Code and the standard titled Flood Resistant Design and Construction (ASCE 24) published by the American Society of Civil Engineers.

Policy 6-1.17-2: Development and Redevelopment Standards in Coastal Areas. The City shall continue to ensure development and redevelopment utilize the best available data on minimum floor elevation, including FEMA flood zones.

Policy 6-1.17-3: Reduce Flood Damage in Coastal Areas. The City shall, through implementation of all Land Development Regulations, continue to ensure that all new buildings or structures meet, or exceed, the flood resistant construction requirements of the Florida Building Code and Federal Flood Plain Management regulations including flood proofing and storm surge.

Policy 6-1.17-4: Participation in the National Flood Insurance Program. Participate in the National Flood Insurance Program in conformance with Public Law 92-288 and the Community Rating System Program.

SECTION 7: TRANSMITTAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY.

The City Manager or ~~her~~ appointed designee is hereby designated to sign a letter transmitting the adopted comprehensive plan amendment to the State Planning Agency, in accordance with the Community Planning Act.

SECTION 8: INCORPORATION INTO COMPREHENSIVE PLAN.

Upon the effective date of the comprehensive plan amendment adopted by this Ordinance, said amendment shall be incorporated into the City of Destin Comprehensive Plan and any section or paragraph number or letter and any heading may be changed or modified as necessary to effectuate the foregoing.

All prior inconsistent ordinances and resolutions adopted by the City of Destin City Council, or parts of ordinances or resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

SECTION 9: SEVERABILITY.

If any section, phase, sentence, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10: EFFECTIVE DATE.

The comprehensive plan amendment shall not become effective until 31 days after the State Planning agency notifies the City that the plan amendment package transmitted by the City is complete, except however, if the plan amendment is timely challenged, this Ordinance shall not become effective until the date a final order is issued by the State Land Planning Agency, or the date that the Administration Commission enters a final order determining the adopted plan amendment is in compliance. No development orders, development permits, or land use dependent on this amendment may be issued or commenced before it has become effective. After and from the effective date of this amendment, the comprehensive plan amendment set forth herein shall amend the City of Destin's Comprehensive Plan and shall become a part of that plan and the amendment shall have the legal status of the City of Destin's Comprehensive Plan, as amended.

ADOPTED THIS ____ DAY OF _____ 2020.

BY: _____
Gary Jarvis, Mayor

ATTEST:

Lance Johnson, City Manager

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City Land Use
Attorney for the City of Destin, only.

Rey Bailey, City Clerk

Kimberly R. Kopp, City Land Use Attorney

First Reading: January 21, 2020
Second Reading: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Public Hearing

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kimberly Kopp, Land Use Attorney
Louis Zunguze, Community Development Director

DATE:

SUBJECT: First reading of Ordinance 20-20-CN - Provides for City Council approval of a contract for lease of real property owned by the City to the Destin Fire Control District

I. BACKGROUND: At the regular City Council meeting of May 18, 2020, the City Council preliminarily approved the terms and conditions of a proposed lease of a portion of Clement Taylor Park to the Destin Fire District.

Section 3.12(b)(6) of the City Charter requires that lease of any City property must be accomplished by Ordinance. At this time, Ordinance 20-20-CN is before the City Council for consideration on first reading.

II. DISCUSSION: The current proposal includes \$1 in annual rent be paid by the Fire District to the City for an initial 20 year term. Additionally, Tenant (Fire District) and Landlord (City) may mutually agree to extend this Lease for Three (3) additional Twenty (20) year terms. Any request by Tenant to extend the Initial Lease Term is subject to approval by the City Council of the City of Destin, in its sole discretion. At that time, the City Council would have the option to increase the rent or negotiate other changes to the lease.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to approve Ordinance 20-20-CN on first reading, authorize the City Land Use Attorney and City Manager to finalize the lease, and direct the City Clerk to advertise Ordinance 20-20-CN for second and

final reading.

OR

I move to deny Ordinance 20-20-CN on first reading and take no further action on the lease proposal.

Attachments:

1. ORDINANCE 20-20-CN FD Lease
2. Exhibit to FD Lease May 2020
3. Exhibit D to FD LEASE
4. Exhibit A Legal Description and Survey
5. Proposed Fire House Lease Agreement

ORDINANCE 20- xx-CN

AN ORDINANCE OF THE CITY OF DESTIN OF OKALOOSA COUNTY, FLORIDA, RELATING TO THE LEASE OF CERTAIN REAL PROPERTY OWNED BY THE CITY; PROVIDING FOR AUTHORITY; PROVIDING FOR FINDINGS OF FACT; PROVIDING FOR CITY COUNCIL APPROVAL OF A CONTRACT FOR LEASE OF THE PROPERTY TO THE DESTIN FIRE CONTROL DISTRICT; AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 1. AUTHORITY. The authority for this Ordinance is section 166.021, Florida Statutes and section 3.12(b)(6), City of Destin City Charter.

SECTION 2. FINDINGS OF FACT.

WHEREAS, the City Council of the City of Destin finds that it is beneficial to the City of Destin and its citizens that the subject property be leased to the Destin Fire Control District; and

WHEREAS, section 3.12(b)(6) of the City of Destin City Charter requires that the City of Destin authorize by administrative action the lease of City property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA:

SECTION 3. LEASE OF REAL PROPERTY APPROVAL. The lease between the City of Destin and the Destin Fire Control District, a copy of which is attached hereto and made a part hereof by this reference, for the lease of real property owned by the City, more particularly described below is approved and lease of the land by administrative action is authorized. The lease contains the imposition of conditions by the City authorized to be imposed by the City Council. The Mayor and the City Clerk are authorized to execute and deliver such documents as are necessary to lease the property:

Lot No. 14-B of the Moreno Point Military Reservation according to plat thereof on file in the Office of the Clerk of Circuit Court of Okaloosa County, Florida.

Also known as Clement E. Taylor Park.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon approval by Council and signature by the Mayor.

ADOPTED THIS 15TH DAY OF JUNE, 2020

By: _____
Gary Jarvis, Mayor

ATTEST:

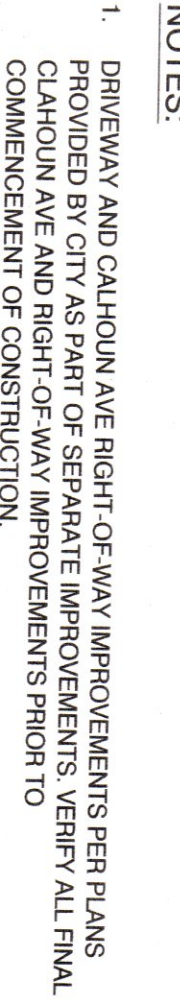
Rey Bailey, City Clerk

The form and legal sufficiency of the foregoing
has been reviewed and approved by the City
Land Use Attorney for the City of Destin, only.

Kimberly Romano Kopp, City Land Use Attorney

First Reading: June 1, 2020

Second Reading: June 15, 2020



EFFECT NUMBER 3 OF 5	DRAWING NUMBER MPT/LAW	DATE 02/16/18	TIME 17:70	BY JAMIE S. EBELMAN, P.E. FL REGISTRATION NO. 71438	DESCRIPTION CLEMET TAYLOR PARK CITY OF DESTIN, FLORIDA		JENKINS ENGINEERING, INC. 1234 AIRPORT ROAD, SUITE 126 DESTIN, FLORIDA 32541 PHONE 850.837.2448 FAX 850.837.2450		
							121 HART STREET NICEVILLE, FLORIDA 32578 PHONE 850.679.5141 FAX 850.729.2460		
SITE PLAN NOT VALID UNLESS BEARING ENGINEER'S ORIGINAL SIGNATURE				JE/CIVIL.COM C.O.A. NO. 9927 - L.B. NO. 8081					

House Bill No. 1487

An act relating to the Okaloosa County Destin Fire Control District; repealing chapter 82-335, Laws of Florida, as amended; providing for the creation and boundaries of the Destin Fire Control District; providing intent; providing definitions; providing for liberal construction; providing for the election of district board of commissioners; providing for terms of office; providing for officers and meetings of such boards; providing for commissioners' compensation and expenses; requiring a bond; providing general and special powers of districts; exempting district assets and property from taxation; providing requirements and procedures for the levy of ad valorem taxes, non-ad valorem taxes, assessments, user charges, and impact fees; providing for referenda; providing for enforcement; providing for requirements and procedures for issuance of bonds; providing for referenda; providing for creation, expansion, and merger of the district boundaries; providing for use of funds; providing for severability; providing for application; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Chapter 82-335, Laws of Florida, as amended, is codified, reenacted, amended, and repealed as herein provided.

Section 2. The charter of the Destin Fire Control District is re-created and reenacted to read:

Section 1. Creation; boundaries.—

(1) Upon this act becoming a law, all of the following lands in Okaloosa County shall be incorporated as an independent special fire control district, which shall be a public municipal corporation for the public benefit, with perpetual existence, to be known as the Destin Fire Control District, in which case it may sue and be sued, lease, own, possess, and convey real and personal property, by purchase, gift, or otherwise, in order to carry out the purposes of this act. The lands so incorporated shall include the following:

All lands bounded on the West by East Pass, on the North by Choctawhatchee Bay, on the East by Walton County, on the South by the Gulf of Mexico.

(2) Should any part of the territory covered in this act be held not to be included herein, then this act shall continue in effect as to the balance of the territory.

(3) Notwithstanding the incorporation of the City of Destin on November 9, 1984, the municipal limits of which are lying and being provided fire protection to and exercise its powers under this act within the city and all future annexation thereof until further act of the Legislature. The provisions of section 218.23, Florida Statutes, notwithstanding, the tax levied by the district shall be included in the calculation of the minimum amount of

revenue required to be raised in order for the City of Destin to qualify for revenue sharing funds, the year 1984 shall be deemed to be the base year for determination of the 3 mill revenue equivalent for the City of Destin, and if the City of Destin is otherwise entitled to participate in revenue sharing pursuant to section 218.23(1)(b) through (d), Florida Statutes, it shall receive its proportionate share of revenue sharing funds commencing with the fiscal year 1985-1986.

Section 2. Intent.—The purposes of this act are to:

(1) Comply with section 191.015, Florida Statutes, 1997, which calls for the codification of charters of all independent special fire control districts as defined in section 189.403, Florida Statutes, which were created by special law of local application or general law of local application.

(2) Provide standards, direction, and procedures concerning the operation and governance of the special fire control district known as the Destin Fire Control District.

(3) Provide greater uniformity between the Destin Fire Control District and other independent special fire control districts.

(4) Provide greater uniformity in the financing authority of the Destin Fire Control District without hampering the efficiency and effectiveness of current authorized and implemented methods and procedures and raising revenues.

(5) Improve communication and coordination between the Destin Fire Control District and other local governments with respect to short-range and long-range planning to meet the demands for service delivery while maintaining fiscal responsibility.

(6) Provide uniform procedures for electing members of the governing board of the Destin Fire Control District to ensure greater accountability to the public.

Section 3. Definitions.—

(1) “Board” means the governing board of the Destin Fire Control District.

(2) “District” means the Destin Fire Control District, an independent special fire control district as defined under section 189.403, Florida Statutes.

(3) “Elector” means a person who is a resident of the Destin Fire Control District and is qualified to vote in a general election within Okaloosa County.

(4) “Emergency medical service” means basic and advanced life support service as defined in section 401.23, Florida Statutes.

(5) “Rescue response service” means an initial response to an emergency or accident situation, including, but not limited to, a plane crash, a trench

or building collapse, a swimming or boating accident, or a motor vehicle accident.

Section 4. The provisions of this act shall be liberally construed in order to effectively carry out the purpose of this act in the interest of the public safety.

Section 5. District board of commissioners; membership, terms of office, officers, meetings.—

(1) The business and affairs of the district shall be conducted and administered by a board of five commissioners, who shall reside in the district. The board shall be elected in nonpartisan elections by the electors of the district. Except as provided in this act, such elections shall be held at a time and in a manner prescribed by law for holding general elections in accordance with section 189.405(2)(a) and (3), Florida Statutes, and each member shall be elected for a term of 4 years and serve until the member's successor assumes office. Candidates for the board of the district shall qualify with the Okaloosa County Supervisor of Elections. All candidates may qualify by paying a filing fee of at least \$25 or by obtaining the signatures of at least 25 registered electors of the district on petition forms provided by the supervisor of elections, which petitions shall be submitted and checked in the same manner as petitions filed by nonpartisan judicial candidates pursuant to section 105.035, Florida Statutes.

(2) The members of the board shall be elected by the electors of the district in the manner provided in this section. The office of each member of the board is designated as being a seat on the board, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does not designate a geographical subdistrict. Each candidate for a seat on the board shall designate, at the time the candidate qualifies, the seat on the board for which the candidate is qualifying. The name of each candidate who qualifies for election to a seat on the board shall be included on the ballot in a way that clearly indicates the seat for which the candidate is a candidate. The candidate for each seat who receives the most votes cast for a candidate for the seat shall be elected to the board.

(3) Each member of the board must be a qualified elector at the time he or she qualifies and continually throughout his or her term.

(4) Each elected member of the board shall assume office 10 days following the member's election. Annually, within 60 days after the newly elected members have taken office, the board shall organize by electing from its members a chair, a vice chair, a secretary, and a treasurer. The positions of secretary and treasurer may be held by one member. Funds of the district may be disbursed only upon the order or pursuant to resolution of the board. However, a petty cash account may be authorized by the board. The board may give the treasurer additional powers and duties that it deems appropriate.

(5) Members of the board may each be paid a salary or honorarium to be determined by at least a majority plus one vote of the board, which salary or honorarium may not exceed \$500 per month for each member. Special

notice of any meeting at which the board will consider a salary change for a board member shall be published at least once, at least 14 days prior to the meeting, in a newspaper of general circulation in Okaloosa County. Separate compensation for the board member serving as treasurer may be authorized by like vote so long as total compensation for the board member does not exceed \$500 per month. Members may be reimbursed for travel and per diem expenses as provided in section 112.061, Florida Statutes.

(6) If a vacancy occurs on the board due to the resignation, death, or removal of a board member or the failure of anyone to qualify for a board seat, the remaining members may appoint a qualified person to fill the seat until the next general election, at which time an election shall be held to fill the vacancy for the remaining term, if any. The board shall remove any member who has three consecutive unexcused absences from regularly scheduled meetings. The board shall adopt policies by resolution defining excused and unexcused absences.

(7) Each member shall, upon assuming office, take and subscribe to the oath of office prescribed by s. 5(b), Art. II of the State Constitution and section 876.05, Florida Statutes. Each member, within 30 days after assuming office, must give the Governor a good and sufficient surety bond in the sum of \$5,000, the cost thereof being borne by the district, conditioned on the member's faithful performance of his or her duties of office.

(8) The board shall keep a permanent record book entitled "Record of Proceedings of the Destin Fire Control District," in which the minutes of all meetings, resolutions, proceedings, certificates, bonds given by commissioners, and corporate acts shall be recorded. The record book shall be open to inspection in the same manner as state, county, and municipal records are open under chapter 119, Florida Statutes, and s. 24, Art. I of the State Constitution. The record book shall be kept at the office or other regular place of business maintained by the board for the Destin Fire Control District.

(9) All meetings of the board shall be open to the public consistent with chapter 286, Florida Statutes, section 189.417, Florida Statutes, and other applicable general laws.

(10) The officers of the board of commissioners shall have the duties usually pertaining to like officers. A record shall be kept of all meetings of the board in a manner consistent with this section and in such meeting concurrence of a majority of the commissioners shall be necessary to any affirmative action by the board unless a greater affirmative vote of the board is required for any specific act as otherwise specified in this act.

(11) The books and records of the district shall be audited as outlined in section 11.45(3)(a), Florida Statutes.

(12) No suit, action, or proceeding shall be instituted or maintained in a court against the district or the commissioners, or any commissioner, unless the person making such claim shall have within 30 days after the accrual of such claim given to the commissioners, or one of them, a notice in writing setting forth its nature, amount, and the place and manner in which it is

accrued together with the names and addresses of all witnesses, with sufficient detail to enable the commissioners to fully investigate. No suit, action, or proceedings shall be instituted within 3 months after such notice shall have been given.

Section 6. General powers.—The district shall have, and the board may exercise by majority vote, the following powers:

(1) To sue and be sued in the name of the district, to adopt and use a seal and authorize the use of a facsimile thereof, and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(2) To provide for a pension or retirement plan for its employees. Notwithstanding the prohibition against extra compensation as provided in section 215.425, Florida Statutes, the board may provide for an extra compensation program, including a lump-sum bonus payment program, to reward outstanding employees whose performance exceeds standards, if the program provides that a bonus payment may not be included in an employee's regular base rate of pay and may not be carried forward in subsequent years.

(3) To contract for the services of consultants to perform planning, engineering, legal, or other professional services.

(4) To borrow money and accept gifts, to apply for and use grants or loans of money or other property from the United States, the state, a unit of local government, or any person for any district purposes and enter into agreements required in connection therewith, and to hold, use, sell, and dispose of such moneys or property for any district purpose in accordance with the terms of the gift, grant, loan, or agreement relating thereto.

(5) To adopt resolutions and procedures prescribing the powers, duties, and functions of the officers of the district, the conduct of the business of the district, the maintenance of records, and the form of other documents and records of the district. The board may also adopt ordinances and resolutions that are necessary to conduct district business, if such ordinances do not conflict with any ordinances of a local general purpose government within whose jurisdiction the district is located. Any resolution or ordinance adopted by the board and approved by referendum vote of district electors may only be repealed by referendum vote of district electors. All rules and regulations must conform to chapter 120, Florida Statutes.

(6) To maintain an office at places it designates within a county or municipality in which the district is located and appoint an agent of record.

(7) To acquire by purchase, lease, gift, dedication, devise, or otherwise, real and personal property or any estate therein for any purpose authorized by this act and to trade, sell, or otherwise dispose of surplus real or personal property. The board may purchase equipment by an installment sales contract if funds are available to pay the current year's installments on the equipment and to pay the amounts due that year on all other installments and indebtedness.

(8) To hold, control, and acquire by donation or purchase any public easement, dedication to public use, platted reservation for public purposes, or reservation for those purposes authorized by this act and to use such easement, dedication, or reservation for any purpose authorized by this act consistent with applicable adopted local government comprehensive plans and land development regulations.

(9) To lease as lessor or lessee to or from any person, firm, corporation, association, or body, public or private, any facility or property of any nature for the use of the district when necessary to carry out the district's duties and authority under this act.

(10) To borrow money and issue bonds, revenue anticipation notes, or certificates payable from and secured by a pledge of funds, revenues, taxes and assessments, warrants, notes, or other evidence of indebtedness, and mortgage real and personal property when necessary to carry out the district's duties and authority under this act.

(11) To charge user and impact fees authorized by resolution of the board, in amounts necessary to conduct district activities and services, and to enforce their receipt and collection in the manner prescribed by resolution and authorized by law. However, the imposition of impact fees may only be authorized as provided by section 9(4) of this charter.

(12) To exercise the right and power to eminent domain, pursuant to chapter 73, Florida Statutes, or chapter 74, Florida Statutes, over any property within the district, except municipal, county, state, special district, or federal property used for a public purpose, for the uses and purposes of the district relating solely to the establishment and maintenance of fire stations and fire substations, specifically including the power to take easements that serve such facilities consistent with applicable adopted local government comprehensive plans and land development regulations.

(13) To cooperate or contract with other persons or entities, including other governmental agencies, as necessary, convenient, incidental, or proper in connection with providing effective mutual aid and furthering any power, duty, or purpose authorized by this act.

(14) To assess and impose upon real property in the district ad valorem taxes and non-ad valorem assessments as authorized by this act.

(15) To impose and foreclose non-ad valorem assessment liens as provided by this act or to impose, collect, and enforce non-ad valorem assessments pursuant to chapter 197, Florida Statutes.

(16) To select as a depository for its funds any qualified public depository as defined in section 280.02, Florida Statutes, which meets all the requirements of chapter 280, Florida Statutes, and has been designated by the State Treasurer as a qualified public depository, upon such terms and conditions as to the payment of interest upon the funds deposited as the board deems just and reasonable.

(17) To provide adequate insurance on all real and personal property, equipment, employees, volunteer firefighters, and other personnel.

(18) To organize, participate in, and contribute monetarily to organizations or associations relating to the delivery of or improvement of fire control, prevention, emergency rescue services, or district administration.

(19) No contract shall be made or entered into by or on behalf of the district for a period in excess of 20 years.

Section 7. Exemption from taxation.—Since the exercise of the powers conferred by this act constitutes action by a political subdivision performing essential public functions and since the property of the district constitutes public property used for public purposes, all assets and properties of the district, including property acquired through the foreclosure of any tax or assessment lien, are exempt from all taxes imposed by the state or any political subdivision, agency, or instrumentality of the state.

Section 8. Special powers.—The district shall provide for fire suppression and prevention by establishing and maintaining fire stations and fire substations and acquiring and maintaining such firefighting and fire protection equipment deemed necessary to prevent or fight fires. All construction shall be in compliance with applicable state, regional, and local regulations, including adopted comprehensive plans and land development regulations. The board shall have and may exercise any or all of the following special powers relating to facilities and duties authorized by this act:

(1) Establish and maintain emergency medical and rescue response services and acquire and maintain rescue, medical, and other emergency equipment pursuant to the provisions of chapter 401, Florida Statutes, and any certificate of public convenience and necessity or its equivalent issued thereunder.

(2) Employ, train, and equip such personnel and train, coordinate, and equip such firefighters, including volunteers, as are necessary to accomplish the duties of the district. The board may employ and fix the compensation of a fire chief or chief administrator. The board shall prescribe the duties of such person, which shall include supervision and management of the operations of the district and its employees and maintenance and operation of its facilities and equipment. The fire chief or chief administrator may employ or terminate the employment of such other persons, including, without limitation, professional, supervisory, administrative, maintenance, and clerical employees, as are necessary and authorized by the board. The compensation and other conditions of employment of the officers and employees of the district shall be provided by the board.

(3) Conduct public education to promote awareness of methods to prevent fires and reduce the loss of life and property from fires or other public safety concerns.

(4) Adopt and enforce fire safety standards and codes and enforce the rules of the State Fire Marshal consistent with the exercise of the duties authorized by chapter 553, Florida Statutes, or chapter 633, Florida Statutes, with respect to fire suppression, prevention, and fire safety code enforcement.

(5) Conduct arson investigations and cause-and-origin investigations.

(6) Adopt hazardous material safety plans and emergency response plans in coordination with the county emergency management agency as provided in chapter 252, Florida Statutes.

(7) Contract with general purpose local government for emergency management planning and services.

Section 9. Taxes; non-ad valorem assessments; impact fees and user charges.—

(1) Ad valorem taxes.—The board of commissioners may levy and assess ad valorem taxes on all taxable property in the district to construct, operate, and maintain district facilities and services, to pay the principal of and interest on general obligation bonds of the district, and to provide for any sinking or other funds established in connection with such bonds. An ad valorem tax levied by the board for operating purposes, exclusive of debt service on bonds, may not exceed 1 mill on the dollar of assessed value as approved by referendum of the electors of the district when it was recreated on October 5, 1982, under the authority of chapter 82-335, Laws of Florida. The levy of ad valorem taxes pursuant to this section must be approved by referendum called by the board when the proposed levy of ad valorem taxes exceeds the amount as authorized in the referendum under the prior special act as referenced above. Nothing in this act shall require a referendum on the levy of ad valorem taxes in an amount previously authorized by special act, general law of local application, or county ordinance approved by referendum. Such tax shall be assessed, levied, and collected in the same manner as county taxes. The levy of ad valorem taxes approved by referendum shall be reported within 60 days after the vote to the Department of Community Affairs. The millage rate shall be fixed by annual resolution of the board of commissioners of the fire control district.

(2) Non-ad valorem assessments.—The district may levy non-ad valorem assessments as defined in section 197.3632, Florida Statutes, to construct, operate, and maintain district facilities and services. The rate of such assessments must be fixed by resolution of the board pursuant to the procedures contained in section 10. Non-ad valorem assessment rates set by the board may exceed the maximum rates established by special act, county ordinances, the previous year's resolution, or referendum in an amount not to exceed the average annual growth rate in Florida personal income over the previous 5 years. Non-ad valorem assessment rate increases within the personal income threshold are deemed to be within the maximum rate authorized by law at the time of initial imposition. Proposed non-ad valorem assessment increases which exceed the rate set the previous fiscal year or the rate previously set by special act or county ordinance, whichever is more recent, by more than the average annual growth rate in Florida personal income over the last 5 years, or the first-time levy of non-ad valorem assessments in the district, must be approved by referendum of the electors of the district. The referendum on the first-time levy of an assessment shall include a notice of the future non-ad valorem assessment rate increase permitted by this act without a referendum. Non-ad valorem assessments shall be imposed, collected, and enforced pursuant to section 10.

(3) User charges.—

(a) The board may provide a reasonable schedule of charges for special emergency services, including firefighting occurring in or to structures outside the district, motor vehicles, marine vessels, aircraft, or rail cars, or as a result of the operation of such motor vehicles or marine vessels, to which the district is called to render such emergency service, and may charge a fee for the services rendered in accordance with the schedule.

(b) The board may provide a reasonable schedule of charges for fighting fires occurring in or at refuse dumps or as a result of an illegal burn, which fire, dump, or burn is not authorized by general or special law, rule, regulation, order, or ordinance and which the district is called upon to fight or extinguish.

(c) The board may provide a reasonable schedule of charges for responding to or assisting or mitigating emergencies that either threaten or could threaten the health and safety of persons, property, or the environment, to which the district has been called, including a charge for responding to false alarms.

(d) The board may provide a reasonable schedule of charges for inspecting structures, plans, and equipment to determine compliance with fire safety codes and standards.

(e) The district shall have a lien upon any real property, motor vehicle, marine vessel, aircraft, or rail car for any charge assessed under this subsection.

(4) Impact fees.—If the general purpose local government has not adopted an impact fee for fire services which is distributed to the district for construction within its jurisdictional boundaries, the board may establish a schedule of impact fees for new construction to pay for the cost of new facilities and equipment, the need for which is in whole or in part the result of new construction. The impact fees collected by the district under this subsection shall be kept separate from other revenues of the district and must be used exclusively to acquire, purchase, or construct new facilities or portions thereof needed to provide fire protection and emergency services to new construction. As used in this subsection, “new facilities” means land, buildings, and capital equipment, including, but not limited to, fire and emergency vehicles, radiotelemetry equipment, and other firefighting or rescue equipment. The board shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities or equipment. The board may enter into agreements with general purpose local governments to share in the revenues from fire protection impact fees imposed by such governments.

Section 10. Procedures for the levy and collection of non-ad valorem assessments.—

(1) The district may provide for the levy of non-ad valorem assessments under this act on the lands and real estate benefited by the exercise of the powers authorized by this act, or any part thereof, for all or any part of the

cost thereof. Non-ad valorem assessments may be levied only on benefited real property at a rate of assessment based on the special benefit accruing to such property from such services or improvements. The district may use any assessment apportionment methodology that meets fair apportionment standards.

(2) The board may determine to exercise any power authorized by this act and defray the whole or any part of the expense thereof by non-ad valorem assessments. The district shall adopt a non-ad valorem assessment roll pursuant to the procedures contained in this section or in section 197.3632, Florida Statutes, if:

(a) The non-ad valorem assessment is levied for the first time;

(b) The non-ad valorem assessment is increased beyond the maximum rate authorized by general law or special act at the time of initial imposition as defined in section 9;

(c) The district's boundaries have changed, unless all newly affected property owners have provided written consent for such assessment to the board; or

(d) There is a change in the purpose for such assessment or in the use of the revenue generated by such assessment.

The board shall so declare by resolution stating the nature of the proposed service, the location of any capital facilities, personnel, and equipment needed to provide the service, and any other projected expense of providing the service or improvement, and the part or portion of the expense thereof to be paid by non-ad valorem assessments, the manner in which the assessments shall be made, when the assessments are to be paid, and what part, if any, shall be apportioned to be paid from other revenues or funds of the district. The resolution shall also designate the lands upon which the non-ad valorem assessments shall be levied. Such lands may be designated by an assessment plat. The resolution shall also state the total estimated costs of the service or improvement. The estimated cost may include the cost of operations, including personnel, equipment, construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements, and franchises acquired, financing charges, interest prior to and during construction, and for one year after completion of construction, discount on the sale of assessment bonds, cost of plans and specifications, surveys of estimates of costs and of revenues, cost of engineering and legal services, and all other expenses necessary or incident to determining the feasibility or practicability of the construction or reconstruction, administrative expense, and such other expenses as may be necessary or incident to the financing authorized by this act.

(3) At the time of the adoption of the resolution provided for in subsection (2), there shall be on file at the district's offices an assessment plat showing the area to be assessed, with construction and operational plans and specifications and an estimate of the cost of the proposed service or improvement, which assessment plat, plans, and specifications and estimates shall be open to the inspection of the public.

(4) Upon adoption of the resolution provided for in subsection (2) or completion of the preliminary assessment roll provided for in subsection (5), whichever is later, the board shall publish notice of the resolution once in a newspaper of general circulation in Okaloosa County. The notice shall state in brief and general terms a description of the proposed service or improvements and that the plans, specifications, and estimates are available to the public at the district's offices. The notice shall also state the date and time of the hearing to hear objections provided for in subsection (7), which hearing shall be no earlier than 15 days after publication of the notice. The publication shall be verified by the affidavit of the publisher and filed with the secretary to the board.

(5) Upon the adoption of the resolution provided for in subsection (2), the board shall cause to be made a preliminary assessment roll in accordance with the method of assessment provided for in the resolution. The assessment roll shall show the lots and lands assessed and the amount of the benefit to, and the assessment against each lot or parcel of land, and, if the assessment is to be paid in installments, the number of annual installments in which the assessment is divided shall also be entered and shown upon the assessment roll.

(6) Upon the completion of the preliminary assessment roll, the board shall by resolution fix a time and place at which the owners of the property to be assessed or any other persons interested therein may appear before the board and be heard as to the advisability of providing the service or making the improvements, as to the cost thereof, as to the manner of payment therefore, and as to the amount thereof to be assessed against each property so improved. Ten days' notice in writing of the time and place shall be given to the property owners. The notice shall include the amount of the assessment and shall be served by mailing a copy to each of the property owners at his or her last known address, the names and addresses of the property owners to be obtained from the records of the property appraiser, and proof of such mailing to be made by the affidavit of the board's secretary.

(7) At the time and place named in the notice provided for in subsection (4), the board shall meet and hear testimony from affected property owners as to the advisability of providing the service or making the improvements and funding them with non-ad valorem assessments on property. Following the testimony, the board shall make a final decision on whether to levy the non-ad valorem assessments, adjusting assessments as may be warranted by information received at or prior to the hearing. If any property which may be chargeable under this section has been omitted from the preliminary roll or if the prima facie assessment has not been made against it, the board may place on the roll an apportionment to that property. The owners of any property so added to the assessment roll shall be mailed a copy of the notice provided for in subsection (6), and granted 15 days from the date of mailing to file any objections with the board. When so approved by resolution of the board, a final assessment roll shall be filed with the vice chair of the board, and the assessments shall stand confirmed and remain legal, valid, and binding first liens upon the property against which the assessments are made until paid. The assessment so made shall be final and conclusive as to each lot or parcel assessed unless proper steps are taken within 30 days

after the filing of the final assessment roll in a court of competent jurisdiction to secure relief. If the assessment against any property is sustained or reduced or abated by the court, the vice chair shall note that fact on the assessment roll opposite the description of the proper affected and notify the county property appraiser and the tax collector in writing. The amount of the non-ad valorem assessment against any lot or parcel which may be abated by the court, unless the assessment upon the entire district is abated, or the amount by which the assessment is so reduced, may by resolution of the board be made chargeable against the district at large, or at the discretion of the board, a new assessment roll may be prepared and confirmed in the manner provided in this section for the preparation and confirmation of the original assessment roll. The board may by resolution grant a discount equal to all or a part of the payee's proportionate share of the cost of a capital project consisting of bond financing costs, such as capitalized interest, funded reserves, and bond discount included in the estimated cost of the project, upon payment in full of any assessment during the period prior to the time the financing costs are incurred as may be specified by the board.

(8) The non-ad valorem assessments:

(a) Shall be payable at the time and in the manner stipulated in the resolution providing for the improvement or services.

(b) Shall remain liens, co-equal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims, until paid.

(c) Shall bear interest as provided by section 170.09, Florida Statutes, or, if bonds have been issued, at a rate not to exceed 1 percent above the rate of interest at which the bonds authorized pursuant to this act and used for a capital improvement are sold, from the date of the acceptance of the improvement.

(d) May, by resolution and only for capital outlay projects, be made payable in equal installments over a period not to exceed 20 years, to which, if not paid when due, there shall be added a penalty at the rate of 1 percent per month, until paid.

However, the assessments may be paid without interest at any time within 30 days after the improvement is completed and a resolution accepting the same has been adopted by the board.

(9) The non-ad valorem assessments approved by the board may be levied, assessed, and collected pursuant to sections 197.363-197.3635, Florida Statutes. The collection and enforcement of the non-ad valorem assessment levied by the district shall be at the same time and in like manner as county taxes.

(10) All assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution ordering the improvement of the same nature and to the same extent as the lien for general county, municipal, or district taxes falling due in the same year or years in which

such assessments or installments thereof fall due, and any assessment or installment not paid when due shall be collected with such interest and with a reasonable attorney's fee and costs, but without penalties, by the district by proceedings in a court of equity to foreclose the lien of assessment as a lien for mortgages is or may be foreclosed under the laws of the state, provided any such proceedings to foreclose shall embrace all installments of principal remaining unpaid with accrued interest thereon, which installments shall, by virtue of the institution of such proceedings immediately become due and payable. If, prior to any sale of the property under decree of foreclosure in such proceedings, payment is made of the installment or installments which are shown to be due under the provisions of the resolution passed pursuant to subsection (9) and this subsection, and all costs including attorney's fees, the payment shall have the effect of restoring the remaining installments to their original maturities and the proceedings shall be dismissed. The district shall enforce the prompt collection of assessments by the means provided in this section and this duty may be enforced at the suit of any holder of bonds issued under this act in a court of competent jurisdiction by mandamus or other appropriate proceedings or action. Not later than 30 days after annual installments are due and payable, the board shall direct the attorney or attorneys whom the board shall designate to institute actions within 3 months after such direction to enforce the collection of all non-ad valorem assessments remaining due and unpaid at the time of such direction. Such action shall be prosecuted in the manner and under the conditions in and under which mortgages are foreclosed under the laws of the state. It is lawful to join in one action the collection of assessments against any or all property assessed by virtue of the same assessment roll unless the court deems such joinder prejudicial to the interest of any defendant. The court shall allow a reasonable attorney's fee for the attorney or attorneys of the district, and the fee shall be collectible as a part of or in addition to the costs of the action. At the sale pursuant to decree in any such action, the district may be a purchaser to the same extent as an individual person or corporation, except that the part of the purchase price represented by the assessments sued upon and the interest thereon need not be paid in cash. Property so acquired by the district may be sold or otherwise disposed of, the proceeds of such disposition to be placed in the fund provided for by subsection (11), provided no sale or other disposition thereof shall be made unless the notice calling for bids therefor to be received at a stated time and place was published in a newspaper of general circulation in the district once in each of 4 successive weeks prior to such disposition.

(11) All assessments and charges made under the provisions of this section for the payment of all or any part of the cost of any improvements for which assessment bonds have been issued under the provisions of this act are hereby pledged to the payment of the principal of and the interest on the assessment bonds and shall, when collected, be placed in a separate fund, properly designated, which fund shall be used for no other purpose than the payment of such principal and interest.

Section 11. District issuance of bonds, notes, bond anticipation notes, or other evidences of indebtedness.—

(1) The district may issue general obligation bonds, assessment bonds, revenue bonds, notes, bond anticipation notes, or other evidences of indebtedness to finance all or a part of any proposed improvements authorized to be undertaken under this act or under general or special law, provided the total annual payments for the principal and interest on such indebtedness shall not exceed 50 percent of the total annual budgeted revenues of the district. The bonds shall be issued in such denominations, mature on such dates and in such amounts, and may be subject to optional and mandatory redemption as determined by resolutions adopted by the board. Bonds of the district may bear interest at a fixed or floating or adjustable rate and may be issued as interest bearing, interest accruing bonds, or zero coupon bonds at such rate or rates, not exceeding the maximum rate permitted by general law, as determined by resolutions of the board. Principal and interest shall be payable in the manner determined by the board. The bonds shall be signed by manual or facsimile signature of the chair or vice chair of the board, attested with the seal of the district and by the manual or facsimile signature of the secretary or assistant secretary of the board.

(2) The bonds shall be payable from the non-ad valorem assessment or other non-ad valorem revenues, including, without limitation, user fees or charges or rental income authorized to be levied or collected or received pursuant to this act or general law. General obligation bonds payable from ad valorem taxes may also be issued by the district, but only after compliance with s. 12, Art. VII of the State Constitution. Subject to referendum approval, the district may pledge its full faith and credit for the payment of principal and interest on such general obligation bonds and for any reserve funds provided therefor and may unconditionally and irrevocably pledge itself to levy ad valorem taxes on all property in the district to the extent necessary for the payment thereof. The district is authorized, after notice and opportunity to be heard has been afforded to those affected, to impose, charge, and collect non-ad valorem revenues in connection with any of the improvements authorized under this act and to pledge the same for the payment of bonds.

(3) In connection with the sale and issuance of bonds, the district may enter into any contracts which the board determines to be necessary or appropriate to achieve a desirable effective interest rate in connection with the bonds by means of, but not limited to, contacts commonly known as investment contracts, funding agreements, interest rate swap agreements, currency swap agreements, forward payment conversion agreements, futures, or contracts providing for payments based on levels of or changes in interest rates, or contracts to exchange cash flows or a series of payments, or contracts, including, without limitation, options, puts, or calls to hedge payment, rate, spread, or similar exposure. Such contracts or arrangements may also be entered into by the district in connection with, or incidental to, entering into any agreement which secures bonds or provides liquidity therefor. Such contracts and arrangements shall be made upon the terms and conditions established by the board, after giving due consideration for the credit worthiness of the counterparties, where applicable, including any rating by a nationally recognized rating service or any other criteria as may be appropriate.

(4) In connection with the sale and issuance of the bonds, or entering into any of the contracts or arrangements referred to in subsection (3), the district may enter into such credit enhancement or liquidity agreements, with such payment, interest rate, security, default, remedy, and any other terms and conditions as the board shall determine.

(5) Notwithstanding any provisions of law relating to the investment or reinvestment of surplus funds of any governmental unit, proceeds of the bonds and any money set aside or pledged to secure payment of the principal of, premium, if any, and interest on the bonds, or any of the contracts entered into pursuant to subsection (3) may be invested in securities or obligations described in the resolution providing for the issuance of bonds.

(6) The bonds shall be sold in any manner not inconsistent with general law, shall show the purpose for which they are issued, and shall be payable out of the money pledged therefor. The funds derived from the sale of said bonds or any of them shall be used for the purpose of paying the cost of the services or improvements and such costs, expenses, fees, and salaries as may be authorized by law.

(7) Non-ad valorem assessments or any portion thereof levied to pay principal on bonds issued pursuant to this act with respect to improvements financed therewith shall not exceed the benefits assessed regarding such works or improvements. If the bonds are sold at a discount, the amount of the discount shall be treated as interest, not as principal. Premiums payable upon the redemption of bonds shall also be treated as interest. Interest to accrue on account of issuing bonds shall not be construed as part of the costs of the works or improvements in determining whether or not the costs of making such improvements are equal to or in excess of the benefits assessed. If the property appraiser and tax collector deduct their fees and charges from the amount of non-ad valorem assessments levied and collected, and if the landowners receive the statutorily permitted discount for early payment of such non-ad valorem assessments, the amount of such fees, charges, and discounts shall not be included in the amount of a non-ad valorem assessments levied by the district in determining whether such assessments are equal to or in excess of the benefits assessed.

(8) The district may, whenever in the judgment of the board it is advisable and in the best interest of the landowners in the district, issue bonds to refund any or all of the then outstanding bonded indebtedness of the district.

(9) The principal amount of refunding bonds may be in any amount not in excess of the benefits assessed against the lands with respect to which the refunded bonds were issued less the principal amount of the refunded bonds previously paid from non-ad valorem assessments. The proceeds of such refunding bonds shall be used only to pay the principal, premium, if any, and interest on the bonds to be refunded, any discount or expense of the sale of the refunding bonds, and to provide a debt service reserve fund for the refunding bonds. The district may also use other available revenues to pay costs associated with the issuance or administration of the refunding bonds.

(10) Assessments shall be levied for the payment of the refunding bonds in the same manner as the assessments levied for the refunded bonds and the refunding bonds shall be secured by the same lien as the refunded bonds, and any additional interest which accrues on account of the refunding bonds shall be included and added to the original assessment and shall be secured by the same lien, provided any interest accrued shall not be considered as a part of the cost of construction in determining whether the assessment exceeds the benefits assessed.

(11) No proceedings shall be required for the issuance of bonds or refunding bonds other than those provided by this section and by general law.

Section 12. Intergovernmental coordination.—

(1) The district shall adopt a 5 year plan to identify the facilities, equipment, personnel, and revenue needed by the district during that 5 year period. The plan shall be updated in accordance with section 189.415, Florida Statutes, and shall satisfy the requirement for a public facilities report required by section 189.415(2), Florida Statutes.

Section 13. District expansion, and merger.—

(1) The boundaries of the district may be modified, extended, or enlarged upon approval or ratification by the Legislature.

(2) The merger of the district with all or portions of other independent special districts or dependent fire control districts is effective only upon ratification by the Legislature. The district may not, solely by reason of a merger with another governmental entity, increase ad valorem taxes on property within the original limits of the district beyond the maximum established by the district's enabling legislation, unless approved by the electors of the district by referendum.

Section 14. Use of funds.—No funds of the district shall be used for any purpose other than the administration of the affairs and business of the district, for the construction, care, maintenance, upkeep, operation, and purchase of standard firefighting equipment which shall meet the requirement of the fire inspector and the underwriters association, fire stations, installation of fire hydrants, payment of public utilities such as electric lights and water, salaries of a fire inspector and one or more firefighters, and such other expenses as the board of commissioners may determine to be for the best interest of the district.

Section 3. If any clause, section, or provision of this act shall be declared unconstitutional or invalid for any reason, it shall be eliminated from this act, and the remaining portion of the act shall be in force and effect and be as valid as if such invalid portion thereof had not been incorporated therein.

Section 4. Chapter 71-787, Laws of Florida, chapter 77-608, Laws of Florida, chapter 82-335, Laws of Florida, and chapter 85-470, Laws of Florida, are repealed.

Section 5. In case of a conflict of the provisions of this act, with the provisions of any other act, the provisions of this act shall control to the extent of such conflict.

Section 6. Nothing contained in this act shall require any modification to district financing or operations which would impair existing contracts, including collective bargaining agreements, debt obligations, or covenants and agreements relating to bonds validated or issued by the district. Further, this act does not repeal any authorization within a special act or general law of local application providing for the levy and assessment of ad valorem taxes, special assessments, non-ad valorem assessments, impact fees, or other fees or charges by a district.

Section 7. This act shall take effect upon becoming a law.

Approved by the Governor June 5, 2000.

Filed in Office Secretary of State June 5, 2000.



LEGAL DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF LOT 14-B OF THE MORENO POINT MILITARY RESERVATION ACCORDING TO THE MAP OF SAID RESERVATION BEING MAP NUMBER 6735-100 BY CONSTRUCTION SERVICE OFFICE OF THE QUARTERMASTER GENERAL AND ALSO BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY S 87°00'49\"/>

NOTES:

- 1.) THE DRAWING SHOWN HEREON WAS PROVIDED BY JENKINS ENGINEERING, INC.
- 2.) NO FIELD WORK PERFORMED FOR THIS SURVEY.
- 3.) THIS DRAWING IS INTENDED TO BE PRINTED ON 8.5X14. IF PRINTED ON A DIFFERENT SIZE THE SCALE WILL BE INACCURATE.
- 4.) DEED REFERENCE MADE TO OR BOOK 2249, PAGE 1725.



4417 COUNTY ROAD 2214
TROY, AL 36079
OFFICE: 334-403-4204
FAX: 334-460-9851

206 JOHNSON BAYOU DR.
PANAMA CITY BEACH, FL 32407
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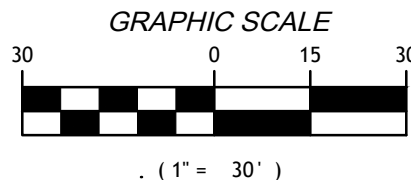
1401 RUCKER BLVD
ENTERPRISE, AL 36330
OFFICE: 334-347-5184
FAX: 334-460-9851

SHEET TITLE: PROPERTY SKETCH

SHEET NUMBER: 01 01 OF 01	SURVEY END DATE:	PROJECT NO: 20-209
	DRAWING SCALE: AS SHOWN	DRAWN BY: AJA
	DRAWING END DATE: 5/11/2020	CHECKED BY: CER

131 CALHOUN AVE.
JENKINS ENGINEERING, INC.
DESTIN, FLORIDA
OKALOOSA COUNTY, FLORIDA

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NOT A SURVEY

GROUND LEASE AGREEMENT

THIS GROUND LEASE AGREEMENT ("Lease"), made this ____ day of _____, 2020, between City of Destin, an incorporated municipality of the State of Florida (hereinafter "Landlord"), with a physical address at 4200 Indian Bayou Trail, Destin, Florida 32541, and Destin Fire Control District, an independent special district (hereinafter "Tenant") with a physical address at 848 Airport Road, Destin, Florida 32541. Landlord and Tenant may collectively be referred to as the "Parties" or individually as "Party".

WITNESSETH:

WHEREAS Landlord is the owner of certain real property ("Property") located in Okaloosa County, State of Florida, which Property is more particularly described in **Exhibit "A"** attached hereto and made a part hereof; and

WHEREAS Tenant desires to lease a portion of said Property containing approximately 0.15 acres, more or less, and more particularly described in **Exhibit "B"** and made a part hereof (the "Lease Premises"), to use the Land to provide Fire and Rescue services to the citizens of Destin, Florida, both on land and on water; and

WHEREAS, Landlord has agreed to lease the Premises to Tenant upon the terms and conditions stated herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the receipt whereof is hereby acknowledged, the Parties hereto agree as follow:

1. Lease Premises. Landlord hereby leases to Tenant, and Tenant hereby leases from Landlord in accordance with the provisions of this Lease, the "Lease Premises, in its "as is" condition, as of the Effective Date. The Lease Premises include the exclusive use of all area located in the Lease Premises as set forth in the Survey (defined below). Landlord hereby grants Tenant non-exclusive use to the remainder of the Property outside the Lease Premises.

2. Commencement Date. This Lease shall be deemed to have commenced on _____, 2020 ("Commencement Date").

3. Right to Survey. Landlord hereby grants to Tenant the right to survey said Leased Premises, and the legal description on said survey shall then become **Exhibit "C"**, which shall be made a part hereof, and shall control in the event of discrepancies between it and Exhibit "B". Landlord grants Tenant the right to take measurements, make calculations, or to note other structures, setbacks, uses, or other information as deemed by Tenant to be relevant and pertinent, as such information relates to Landlord's real property, leased or otherwise abutting or surrounding the Leased Premises. Cost for such work shall be borne by Tenant.

4. Initial Term and Rent. This Lease shall be for an initial term of twenty (20) years (the "Initial Term"), beginning on the Commencement Date, at an annual rental of One Dollar and 00/100 Dollars (\$ 1.00).

5. Extension Term, Rent and Payment.

a. Extension Term. Tenant and Landlord may mutually agree to extend this Lease for Three (3) additional Twenty (20) year terms (each an "Extension Term"). Any request by Tenant to extend the Initial Lease Term shall be subject to approval by the City Council of the City of Destin, in its sole discretion.

b. Rent. The annual rent during each subsequent Extension Term shall be in accordance with the following schedule, except as may otherwise be agreed by the parties by duly executed mutual written agreement:

- i. First (1st) Extension Term (\$1.00) annually
- ii. Second (2nd) Extension Term (\$1.00) annually
- iii. Third (3rd) Extension Term (\$1.00) annually

c. Payment. Tenant shall pay rent at the rates set forth above beginning on the Commencement Date and on each anniversary thereof during the Initial Term and any subsequent Extension Term(s). Tenant shall make such payment to the address set forth in the Paragraph entitled Notices below, or to such other address as Landlord shall, from time to time, designate by written notice.

6. Holdover. If at the end of the Third (3rd) Extension Term this Lease has not been terminated by either party by giving to the other written notice of an intention to terminate it at least six (6) months prior to the end of such term, this Lease shall continue in force upon the same covenants, terms and conditions for a further term of one (1) year, and for annual terms thereafter until terminated by either party by giving to the other written notice of its intention to so terminate at least six (6) months prior to the end of such term. Monthly rental for this period shall be equal to the rent paid for the last month of the Third (3rd) Extension Term.

7. Tenant's Facilities. Tenant shall use the Leased Premises for the purpose of constructing, maintaining and operating a Fire and Rescue station and uses incidental thereto, including a building or buildings to perform Tenant's duties as set forth in the Destin Fire Control District Charter, Chapter 2000-417, House Bill No. 1487, and attached hereto and incorporated herein as Exhibit "D" ("Tenant's Facilities"). All improvements shall be at Tenant's expense and Landlord grants Tenant the right to use adjoining and adjacent land as is reasonably required during construction, installation, maintenance, and operation of Tenant's Facilities, including, without limitation, the right to develop slope easements and control drainage away from the Leased Premises. Tenant will maintain the Leased Premises in good condition, subject to reasonable wear and tear only. It is understood and agreed that Tenant's ability to use the Leased Premises is contingent upon its obtaining after the Commencement Date of this Lease, all of the certificates, permits and other approvals that may be required by any federal, state or local authorities. Landlord shall reasonably cooperate with Tenant in its effort to obtain such approvals and shall take no action which would unreasonably adversely affect the status of the Leased Premises with respect to the proposed use thereof by Tenant. Landlord agrees to sign such papers as required to file applications with the appropriate zoning authority and/or commission for the proper zoning of the Leased Premises as required for the use intended by Tenant. Tenant will perform all other acts and bear expenses associated with its intended use of the Leased Premises including but not limited to rezoning. Landlord agrees not to register any written or verbal opposition to the rezoning procedures. In the event that any of such applications should be finally rejected or any certificate, permit, license or approval issued to Tenant is canceled, expires, lapses, or is otherwise withdrawn or terminated by any governmental authority or soil boring or similar tests are found to be unsatisfactory so that Tenant, in its reasonable discretion, will be unable to use the Leased Premises for its intended purposes, Tenant shall have the right to terminate this Lease. Notice of Tenant's exercise of its right to terminate shall be given to Landlord in writing in accordance with the Paragraph below entitled Notices. All rentals paid to said termination date shall be retained by Landlord. Upon such termination, this Lease shall become null and void and, except as specifically excepted herein, all the parties shall have no further obligations, including the payment of money, to each other.

8. Liability and Indemnity. Each party shall indemnify the other party against any loss, injury, death, or damage to persons or property which at any time may be suffered or sustained by any third party who may at any time be using or occupying or visiting the Leased Premises or be in, on, or about the same, to the extent such loss, injury, death, or damage is caused by any wrongful act or omission, negligence or breach of the indemnifying party, its agents, employees and contractors. This Paragraph shall survive the expiration, assignment or termination of this Lease.

9. Insurance. Landlord agrees that Tenant may self-insure against any loss or damage which could be covered by a commercial general liability insurance policy.

10. Default and Right To Cure.

- a. Tenant. The following will be deemed a default by Tenant and a breach of this Lease: (i) non-payment of Rent if such Rent remains unpaid for more than thirty (30) days after receipt of written notice from Landlord of such failure to pay; or (ii) Tenant's failure to perform any other term or condition under this Lease within thirty (30) days after receipt of written notice from Landlord specifying the failure. No such failure, however, will be deemed to exist if Tenant has commenced to cure such default to the satisfaction of the City Council of the City of Destin, in its sole discretion, which said discretion will be reasonable, within such period and provided that such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Tenant. If Tenant remains in default beyond any applicable cure period, Landlord will have the right to exercise any and all rights and remedies available to it under law and equity.
- b. Landlord. The following will be deemed a default by Landlord and a breach of this Lease. Landlord's failure to perform any term, condition or breach of any warranty or covenant under this Lease within thirty (30) days after receipt of written notice from Tenant specifying the failure. No such failure, however, will be deemed to exist if Landlord has commenced to cure the default within such period and provided such efforts are prosecuted to completion with reasonable diligence. Delay in curing a default will be excused if due to causes beyond the reasonable control of Landlord. If Landlord remains in default beyond any applicable cure period, Tenant will have the right to exercise any and all rights available to it under law and equity, including the right to cure Landlord's default and to deduct the costs of such cure from any monies due to Landlord from Tenant.

11. Termination by Landlord and Tenant for Convenience. Landlord and Tenant may terminate this Lease, for any cause whatsoever, by joint written agreement, ninety (90) days' advance written notice. Upon such termination, this Lease shall become null and void and all the parties shall have no further obligations, including the payment of money, to each other.

12. Removal of Tenant's Facilities. Upon cancellation, revocation, termination or expiration of this Lease, Tenant shall have ninety (90) days within which to vacate the Leased Premises and, at its sole discretion, remove all its improvements, equipment, personal property and Facilities situated thereon. In the event Tenant shall not remove its improvements within the ninety (90) day time period as set forth herein, all such improvements shall become the property of Landlord. There shall be no obligation of Tenant to restore the Leased Premises upon any such removal, except to that extent to render the Leased Premises in as good condition and repair as when first received, reasonable wear and tear accepted. Tenant shall not be liable to Landlord for any damages relating to such removal except as otherwise provided for herein. Landlord agrees to allow Tenant to leave any building foundation below ground and shall not be responsible for its removal. If such time for removal causes Tenant to remain on the Leased Premises after termination of this Lease, Tenant shall pay rent at the then existing monthly rate or on the existing monthly pro-rata basis if based upon a longer payment term, until such time as the removal of personal property and fixtures is completed.

13. Force Majeure. Neither party shall be deemed to be in default of any provision of this Lease or liable for failures in performance resulting from acts or events beyond the reasonable control of such party. Such acts shall include but not be limited to acts of God, civil or military authority, civil disturbance, war, strikes, fires, other catastrophes, or other 'force majeure' events beyond a party's reasonable control; provided, however, that this provision shall not relieve either party of the obligation to make rental payments or refunds, or other payments when due and shall not preclude Tenant from terminating this Lease as permitted hereunder, regardless of any 'force majeure' event occurring to Landlord.

14. Sale of Property. Should Landlord, at any time during the term of this Lease, offer to sell all or any part of its real property which is any part of the Leased Premises to a purchaser other than Tenant, such sale shall be under and subject to this Lease and Tenant's rights hereunder. Landlord agrees not to sell, lease or use any other areas of the larger parcel upon which the Leased Premises is situated for placement of other facilities if, in Tenant's sole judgment, such installation would interfere with the facilities in use by Tenant. In the event that Landlord shall receive a bona fide offer from a third party for the purchase of any portion of the Leased Premises which Landlord proposes to accept, Landlord shall provide to Tenant within ten (10) days thereof, written notice to Tenant specifying the terms of such offer. Tenant shall then have a period of thirty (30) days during which Tenant may elect to purchase the Leased Premises or the portion thereof subject to such offer upon the terms set forth in such offer. This right of first refusal shall apply to any offer for the purchase of any portion of the Leased Premises at any time during the term of this Lease (including any extensions hereof).

15. Covenant of Quiet Enjoyment. Landlord covenants that so long as Tenant shall pay rent as provided herein and shall keep, observe and perform all of the other covenants and terms of this Lease to be kept, observed and performed by Tenant, then Tenant shall, and may peaceably and quietly have, hold and enjoy the Leased Premises, for the Term hereof without unreasonable hindrance, claim or molestation by Landlord or any other person lawfully claiming by, through or under Landlord.

16. Title. Landlord is seized of good and sufficient title and interest to the full authority to enter into and execute this Lease. Landlord covenants that there are no other leases, easements, encumbrances, liens, judgments or other impediments of title on the Leased Premises.

17. Assignment and Sublease Prohibited. This Lease may not be assigned or subleased without the express written and signed consent of the City Council of the City of Destin.

18. Notices. All notices required or permitted under this Lease shall be in writing and shall be deemed duly given (i) upon actual delivery if delivery is by hand (against receipt); (ii) on the third day following the date on which each such notice is deposited, postage prepaid, in the United States mail, certified, return receipt requested, (iii) or on the next business day after being sent by a nationally recognized overnight courier service which provides proof of receipt. All notices shall be directed to the address(es) indicated below, or to any other address(es) as the parties may designate by notice delivered pursuant to this provision.

Landlord:	Lance A. Johnson City Manager City of Destin 4200 Indian Bayou Trail Destin, Florida 32541
Copy To:	City Land Use Attorney Romano Kopp Law, P.A. Attn: Kimberly Romano Kopp P.O. Box 445 Destin, FL 32541
Tenant:	Chief Kevin Sasser Fire Chief Destin Fire Control District 848 Airport Road Destin, Florida 32541
Copy To:	Matthews & Jones, LLP Attn: Dana C. Matthews II 4475 Legendary Drive Destin, Florida 32541

19. Binding Agreement. This Lease shall extend to and bind the heirs, personal representatives, permitted successors and assigns of the parties hereto.

20. Subordination. At Landlord's option, this Lease shall be subordinate to any mortgage by Landlord which from time to time may encumber all or part of the Leased Premises or right of way; provided, however, that every such mortgagee shall recognize the validity of this Lease in the event of a foreclosure of Landlord's interest and also Tenant's right to remain in occupancy of and have access to the Leased Premises as long as Tenant is not in default of this Lease. Tenant shall execute in a timely manner such instruments as may reasonably be required to evidence this subordination and non-disturbance clause. In the event the Leased Premises is encumbered by a mortgage, Landlord, no later than ten (10) days after this Lease is executed, shall have obtained and furnished to Tenant, a non-disturbance instrument for each such mortgage.

21. Condemnation. If the whole of the Leased Premises or such portion thereof as will, in Tenant's sole judgment, make the Leased Premises unusable for the purposes herein leased, or is condemned by any legally constituted authority for any public use or purpose, then in either of said events the term hereby granted shall cease from the time when possession thereof is taken by such public authorities, and rental shall be accounted for as between Landlord and Tenant as of that date. Any lesser condemnation shall in no way affect the respective rights and obligations of Landlord and Tenant hereunder. Nothing in this provision shall be construed to limit or affect Tenant's right to an award of compensation of any eminent domain proceeding for the taking of Tenant's leasehold interest hereunder, except that to the extent any condemnation occurs by Landlord for any public use or purpose, Tenant waives any right to an award of compensation.

22. Compliance by Tenant. Tenant shall comply with all local, city, county, state and federal laws, rules, ordinances, statutes and regulations (including, but not limited to, FCC requirements applicable to Tenant's Facilities) now in effect or hereafter enacted as the same may apply to the use of the Leased Premises by Tenant, and shall obtain, at Tenant's sole cost and expense, any licenses, permits and other approvals required for Tenant's use of the Leased Premises. Tenant shall have ninety (90) days from the Commencement Date of this Lease to apply for and receive any and all necessary and applicable permits for the installation and construction of Tenant's Facilities and to facilitate Tenant's use of the Leased Premises. In the event Tenant has not received its permits as outlined above on or before the ninetieth (90th) day after the Commencement Date of this Lease, then either party may terminate this Lease by written notice to the other. Upon said termination, Landlord shall have no further obligation or responsibilities to Tenant under this Lease, and Tenant shall have no further obligation to pay the monthly rental after the date of said termination except as specified in the Paragraph herein entitled "Removal of Tenant's Facilities". Landlord shall retain any and all monthly rental amounts paid by Tenant through said date of termination.

23. Interference.

- a. Landlord agrees not to sell, lease or use any other areas of the larger parcel upon which the Leased Premises is situated for placement of other communications facilities if, in Tenant's sole judgment, such installation would interfere with the facilities in use by Tenant. This subparagraph is void to the extent that Landlord is required by law to sell, lease or use any portion of the parcel for placement of communications facilities.
- b. In the event that Landlord enters into lease or license agreements in the future with others for the larger parcel upon which the Leased Premises is situated for the placement of other facilities, then Landlord agrees such leases or license agreements shall include the following provisions, to the extent such provisions are permitted by law:
 - i. That such lessees or licensees will not install equipment or facilities that will cause interference to Tenant's operations being conducted from the Leased Premises;

- ii. That if such lessee or licensee causes interference with Tenant's Facilities, then such lessee or licensee shall take all steps necessary to correct and eliminate the interference;
- iii. That if such interference is not eliminated within forty-eight (48) hours after such lessee's or licensee's receipt of notice of the existence of interference, then such lessee or licensee shall shut down such lessee's or licensee's equipment until such interference is corrected and eliminated; and
- iv. That if such interference is not completely corrected and eliminated within thirty (30) days after such lessee's or licensee's receipt of such notice, then such lessee or licensee shall remove such lessee's or licensee's equipment from the larger parcel upon which the Leased Premises is situated.

24. Utilities. Tenant shall be responsible for, shall cause to be separately metered, and shall promptly pay in full for all utilities (including, but not limited to, electricity) consumed by Tenant at the Leased Premises.

25. Environmental Indemnity.

- a. Tenant shall hold Landlord harmless from and indemnify Landlord against and from any damage, loss, expenses or liability resulting from any violation by Tenant or its agents, invitees or contractors of any federal state or local environmental statute or other law, or from the presence in, on, under or upon the Leased Premises, of any hazardous material (which shall mean any hazardous waste, hazardous substance or material defined, regulated, controlled, limited, or prohibited in the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. § 9601, *et. seq.*). Tenant's obligations under this Section 25 shall survive termination of this Agreement.
- b. Landlord shall hold Tenant harmless from and indemnify Tenant against and from any damage, loss, expenses or liability resulting from any violation by Landlord or its agents, invitees or contractors of any federal state or local environmental statute or other law, or from the presence in, on, under or upon the Leased Premises, of any hazardous material (which shall mean any hazardous waste, hazardous substance or material defined, regulated, controlled, limited, or prohibited in the Comprehensive Environmental Response Compensation and Liability Act of 1980, 42 U.S.C. § 9601, *et. seq.*). Landlord's obligations under Section 25 shall survive the termination or expiration of this Lease.

26. Tenant's Rights. Landlord grants that Tenant has the following rights, with any associated costs to be borne by Tenant:

- a. Twenty-four (24) hour, seven (7) day a week right of ingress and egress to said Lease Premises and the Property for the purposes of maintenance, inspection, and installation to insure the proper installation and operation of Tenant's facilities. Such inspection, maintenance and installation shall be Tenant's sole responsibility and all such costs shall be borne by Tenant.
- b. The right to clear all trees, undergrowth, or other obstructions and to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees and limbs which may interfere with or fall upon Tenant's Facilities.

27. Partial Invalidity. If any provision of this Lease is found to be invalid, illegal or unenforceable in any respect in a final ruling or judgment of a court of competent jurisdiction from which no appeal can be taken then, notwithstanding such finding, this Lease shall remain in full force and effect and there shall be substituted for such invalid, illegal or enforceable provision a like but equal provision which most nearly effects the intention of the parties. If a like but valid, legal and enforceable provision cannot be substituted, the invalid, illegal or unenforceable

provision shall be deemed to be deleted and the remaining provisions shall continue in full force and effect, provided that the performance, rights and obligations of the parties under this Lease are not materially, adversely affected by such deletion.

28. Non-Waiver. Failure of either party to exercise any power or rights provided for herein shall not constitute a waiver of said party's right to demand exact compliance with the terms and conditions of this Lease.

29. Authority. The persons signing this Lease on behalf of each Party hereto represent and warrant that they have full power, authority and legal right to execute, deliver and perform its obligations under this Lease; that this Lease and the obligations hereunder are legal, valid and binding obligations of each Party, enforceable in accordance with their terms; that there are no claims or defenses, persons or otherwise, or offsets whatsoever to the enforceability or validity of this Lease; and that the person signing this Lease has full power, authority and legal right to do so and to bind and cause the Party to perform its obligations hereunder, without the joinder or consent of any other person.

30. Captions Not Controlling. Paragraph, captions or section headings used in this Lease are for convenience of reference only and do not affect any provision of this Lease.

31. Incorporation of Exhibits. The Exhibits referenced in and attached to this Lease shall be deemed an integral part hereof to the same extent as if written at length herein.

32. Survival. All representations, warranties, covenants, conditions and agreements contained herein which either are expressed as surviving the expiration or termination of this Lease or, by their nature, are to be performed or observed, in whole or in part, after the expiration or termination of this Lease, shall survive the expiration or termination of this Lease.

33. Governing Law. This Lease and the performance thereof shall be governed, interpreted, construed and regulated by the laws of the State of Florida.

34. Venue. The parties to this Lease agree that this Lease was entered into in Okaloosa County, Florida, and if any litigation should arise as a result of either party's breach of the terms and conditions of this Lease, or any exhibits attached hereto and any collateral documents referenced herein, then venue shall lie solely in the Circuit Court, in and for Okaloosa County, Florida. The parties affirm the Okaloosa County Circuit Court has sole in personam and subject matter jurisdiction over all disputes.

35. Attorney's Fees and Costs. In the event of a legal action or other proceeding arising under this Lease or a dispute regarding any alleged breach, default, claim, or misrepresentation arising out of this Lease, whether or not a lawsuit or other proceeding is filed, each party shall be responsible for its own attorneys' fees and costs, whether incurred before suit, during suit, or at the appellate level.

36. Entire Agreement. It is agreed and understood that this Lease contains all agreements, promises and understandings between Landlord and Tenant and that no verbal or oral agreements, promises or understandings shall be binding upon either Landlord or Tenant in any dispute, controversy or proceeding at law, and any addition, variation or modification to this Lease shall be void and ineffective unless made in writing signed by the parties.

(NO FURTHER TEXT; SIGNATURES BEGIN ON NEXT PAGE)

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

LANDLORD: CITY OF DESTIN

Witness

(Signature)

Witness

(Name typed or printed)

(Title)

STATE OF FLORIDA
COUNTY OF OKALOOSA

I, _____, a notary public in and for said county in said state, hereby certify that _____, whose name as _____ of the City of Destin (the "Landlord") is signed to the foregoing instrument and who is known to me, acknowledged before me on this day, that, being informed of the contents of such instrument, he/she/they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this _____ day of _____, 2020.

Notary Public

[Notarial Seal]

My Commission Expires: _____

TENANT: DESTIN FIRE CONTROL DISTRICT

Witness

(Signature)

Witness

(Name typed or printed)

(Title)

STATE OF FLORIDA
COUNTY OF OKALOOSA

I, _____ a notary public in and for said county in said state, hereby certify that _____, whose name as _____ of Destin Fire Control District (the "Tenant"), is signed to the foregoing instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of such instrument, he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal this _____ day of _____, 2020.

Notary Public

[Notarial Seal]

My Commission Expires: _____

EXHIBIT "A"

LEGAL DESCRIPTION OF LANDLORD'S PROPERTY (ENTIRE LARGER PARCEL)

Lot No. 14-B of the Moreno Point Military Reservation according to plat thereof on file in the Office of the Clerk of Circuit Court of Okaloosa County, Florida.

Also known as Clement E. Taylor Park.

EXHIBIT "B"

LEASE PREMISES DESCRIPTION

COMMENCE AT THE SOUTHEAST CORNER OF LOT 14-B OF THE MORENO POINT MILITARY RESERVATION ACCORDING TO THE MAP OF SAID RESERVATION BEING MAP NUMBER 6735-100 BY CONSTRUCTION SERVICE OFFICE OF THE QUARTERMASTER GENERAL AND ALSO BEING THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY S 87°00'49" W A DISTANCE OF 97.77 FEET TO A POINT; THENCE N 00°27'29" E A DISTANCE OF 71.00 FEET TO A POINT; THENCE N 86°59'04" E A DISTANCE OF 87.33 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF CALHOUN AVE, (R/W VARIES); THENCE ALONG SAID RIGHT OF WAY S 03°07'24" E A DISTANCE OF 70.92 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINING 0.15 ACRES, MORE OR LESS.

EXHIBIT "C"

SURVEY

EXHIBIT "D"

DESTIN FIRE CONTROL DISTRICT CHARTER

CHAPTER 2000-417

House Bill No. 1487

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020**TYPE OF AGENDA ITEM:** City Manager Report

TO: City Council**THRU:** Lance Johnson, City Manager
Webb Warren, Deputy City Manager**FROM:** Michael Burgess, Public Services Director**DATE:** 05/06/2020**SUBJECT:** Cleaning of Stormwater Treatment Unit, Gulf Shore Drive, authorization to allow the City Manager to execute a Task Order

I. BACKGROUND: The City is responsible for the maintenance of a stormwater treatment unit that is installed under Gulf Shore Drive. The Unit allows for the settling of sand and heavier debris while allowing for floating materials (oil and litter) to collect on the surface of the water within the treatment chamber. Periodically this litter and sand must be removed from the unit.

II. DISCUSSION: There is an estimated 35-40 cubic yards of material that needs to be removed from this unit and adjacent piping.

The proper operation of this unit will prevent oil, litter and sand from washing into the adjacent canal north of Sandpiper Cove. A map depicting the unit's location and system discharge point is included as ATT1. A detail of the unit's design is included as ATT2.

The collection area within the unit is large and is relatively deep. The Public Works Department does not have the resources to adequately remove this volume of material in a timely manner. Work on this unit also requires confined space entry certification.

The City has a current Continuing Services Contract with Florida Septic and Sewer (FSS) to perform Miscellaneous Stormwater Maintenance (ATT4&5).

A. Link to Strategic Goals / Objectives: 1. World class beach, fishing and

harbor

2. Implement a stormwater management plan that maintains water quality in support of our fishing and tourism industries.

B. Effect on Budget (EOB): The City has a continuing services provider that has performed this type of work in the past on the same unit. Based on estimates, cleaning the unit will require \$15,250 to \$18,300 (quote, ATT3) to complete. Funding for this project will come from the Public Works Stormwater Maintenance account (0154160.534100).

The City's continuing services Contract with Florida Septic & Sewer (ATT4) should contain only one billable item associated with this task, that being time (or truck-hours). Current hourly contract rate is \$350 per hour (ATT4). As the amount of time required to clean the unit is unknown, the vendor was asked to provide an estimate. City Staff will be on site during this process to ensure that actual time spent cleaning the unit will be reflected on the invoice.

C. Level of Service (LOS): Protection of Destin's waterways.

This unit is designed to collect floating litter and heavier debris and as such, requires periodic debris removal and cleaning of the interior. Removal of the accumulated material will restore the unit's full operational capacity.

III. CONCLUSION: Allowing the City Manager to execute a Task Order with Florida Septic and Sewer for the cleaning of the Gulf Shore Drive Stormwater Treatment Unit will protect our natural resources, is in keeping with the City's Strategic goals, and is a component of the City's National Pollutant Discharge Elimination System Stormwater Discharge Permit (Post-Construction Stormwater Management & Good Housekeeping for Municipal Operations).

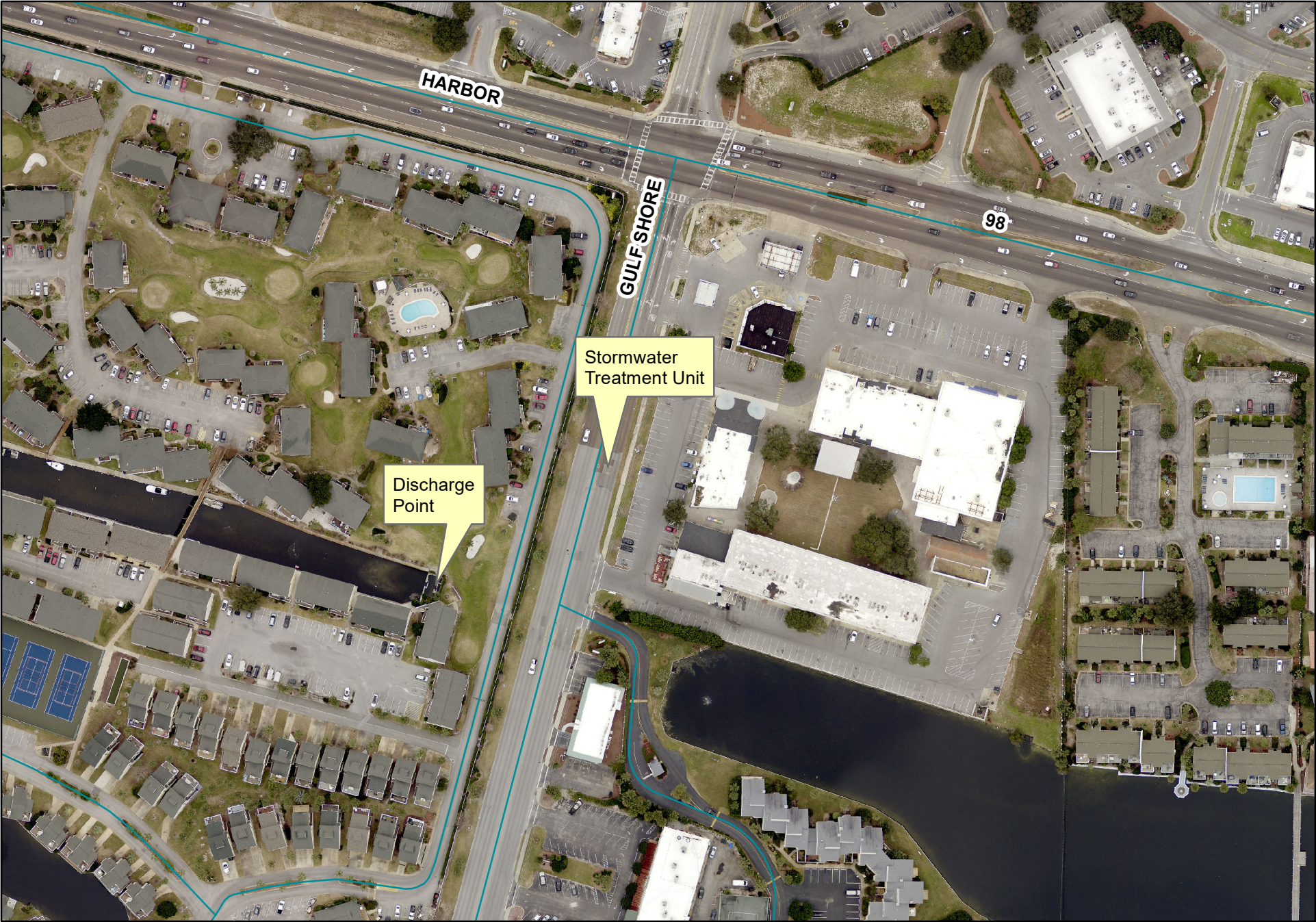
IV. RECOMMENDED MOTION: I move that the City Manager be authorized to execute a Task Order with Florida Septic and Sewer to clean the Stormwater Treatment Unit on Gulf Shore Drive for an amount not to exceed \$18,300.

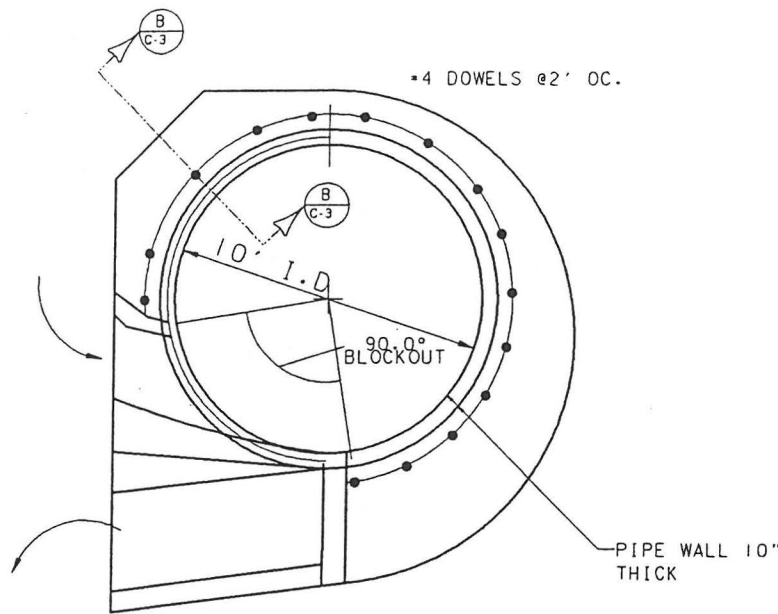
Attachments:

1. ATT1: Gulf Shore Drive Stormwater Treatment Unit map
2. ATT2: Detail of CDS Unit Top Down
3. ATT3: City of Destin Gulf Shore Drive estimate
4. ATT4: FL Septic & Sewer Contract

- Stormwater
5. ATT5: FL Septic_Sewer 2019 - 2020
Contract extension

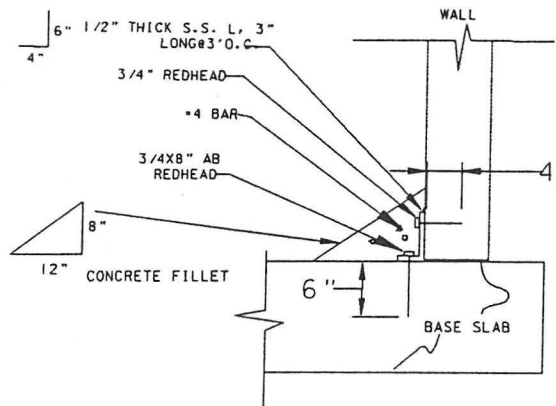
Gulf Shore Drive Stormwater Treatment Unit



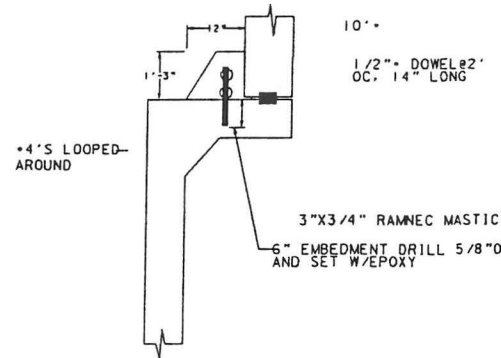
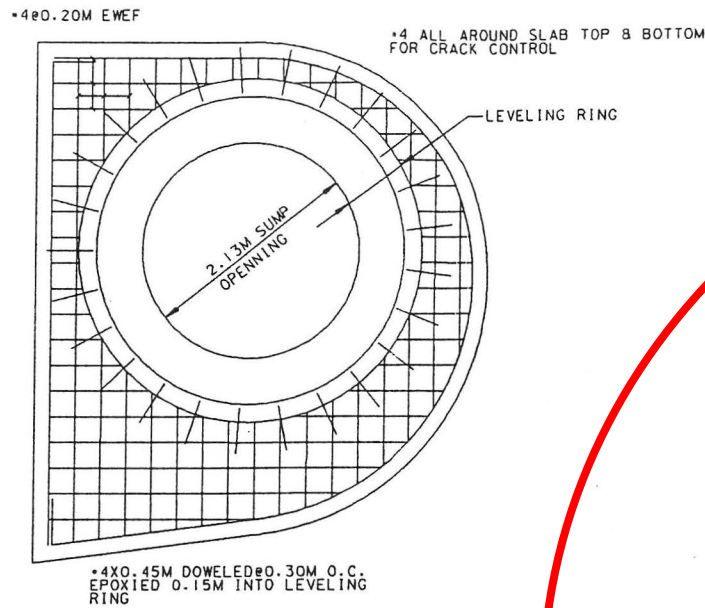


SECTION SHOWING 10' RISER BEING SET ON TOP OF SEPARATION CHAMBER. SHOWS DOWELS IN TOP OF SEPARATION CHAMBER & CONCRETE FILLET TO HOLD RISER SECTION IN PLACE.

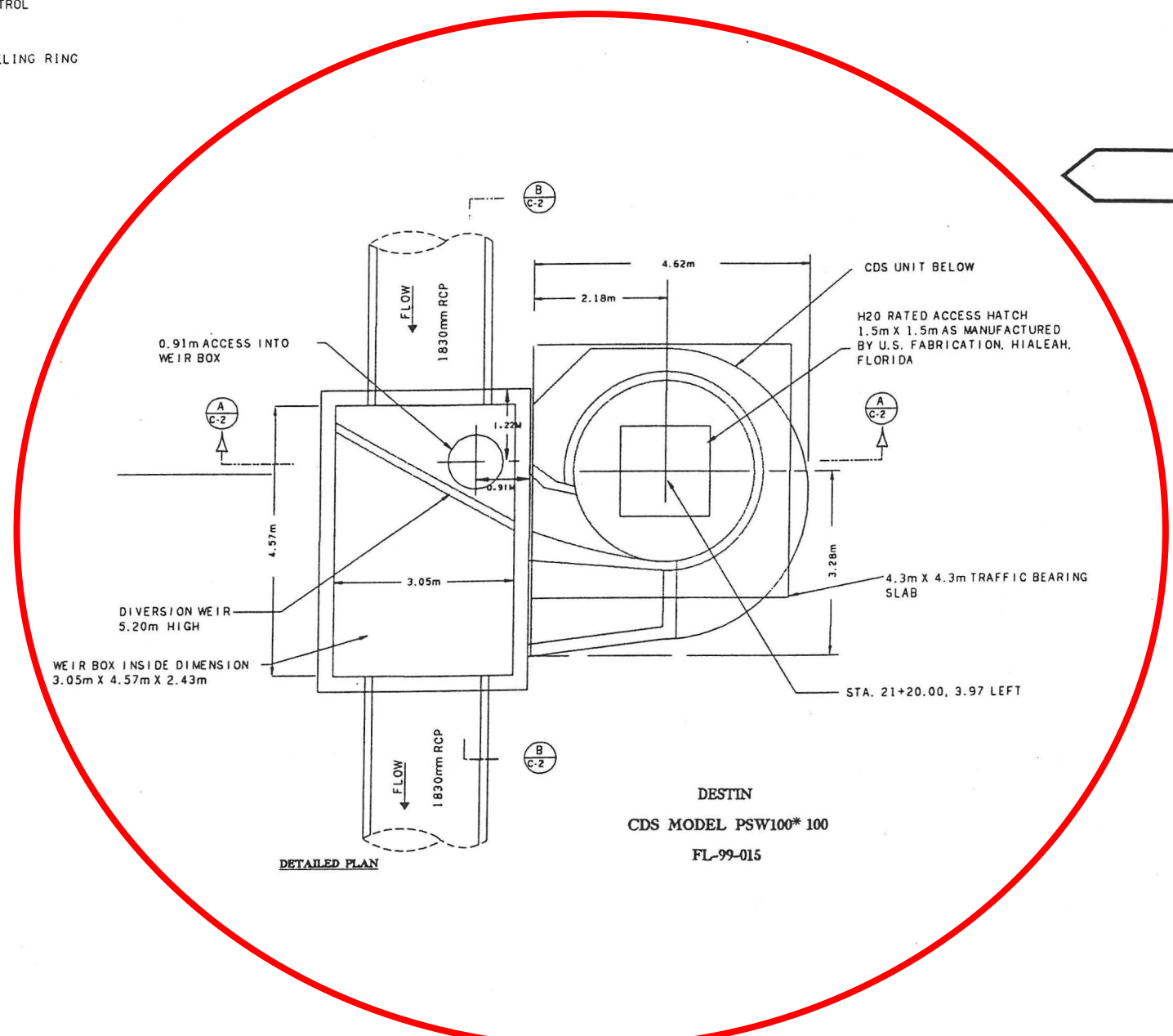
A
C-3 SEPARATION CHAMBER-RISER PLAN



C
C-3 LEVELING SLAB-SEPARATION CHAMBER CONNECTION



B
C-3 SEPARATION-RISER CONNECTION



DETAILED PLAN

DESTIN
CDS MODEL PSW100* 100
FL-99-015

TALLAHASSEE
CDS MODEL PSW100
FL-99-006

OUTFALL # 3

S. Allam
h23104xds.mch/199-015-3555
Thu May 11 08:09:20 2000
f:\cadd\m\allam\shelly\101

REVISIONS											
DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION	DATE	BY	DESCRIPTION

Faller, Davis & Associates, Inc.
550 N. REO STREET - SUITE 301
TAMPA, FLORIDA 33609-1037
CERTIFICATE OF AUTHORIZATION NO. 5864

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

CDS DETAIL SHEET (4)

~JOB PROPOSAL~

BRYAN ROGERS CONSTRUCTION, INC.
DBA Florida Septic
601 N Ferdon Blvd
Crestview, FL 32536
(850) 837-7200
flaseptic@hotmail.com

May 14, 2020

City of Destin
Attn: Michael
Phone: 837-6869
mburgess@cityofdestin.com

Re: Weir cleaning – Gulfshore Dr.

As requested, the following is an estimate on cleaning service:

- 1) Provide guzzler truck and jet truck and crew @ **\$305.00 per truck per hour**
- 2) Jet clean, remove the sand and debris from weir system
- 3) City of Destin will need to provide traffic control, pump and boards for dewatering
- 4) Disposal of materials to be done off-site on a lot provided for by the City
- 5) Estimated time for completion of cleaning (includes disposal) is 25-30 hours over several days
- 6) Total cost will include labor and 2 trucks for cleaning

ESTIMATED TOTAL COST.....\$15,250-18,300.00

If more information is needed, please do not hesitate to call me. I appreciate the opportunity to bid this job for you.

WAIVER OF RESPONSIBILITY: Bryan Rogers Construction & Florida Septic will not be responsible for any landscaping or underground utilities (electrical, gas, cable, telephone, irrigation, etc.). BRC & Florida Septic will take all necessary precautions to ensure as little damage as possible.

Payment to be made upon completion of above stated job
Please sign and return Acceptance of Proposal. Acceptance of Proposal to follow.

~JOB PROPOSAL~

BRYAN ROGERS CONSTRUCTION, INC.
DBA Florida Septic
601 N Ferdon Blvd
Crestview, FL 32536
(850) 837-7200
flaseptic@hotmail.com

May 14, 2020

City of Destin
Attn: Michael
Phone: 837-6869
mburgess@cityofdestin.com

Re: Weir cleaning – Gulfshore Dr.

ACCEPTANCE OF PROPOSAL

Bryan Rogers

AUTHORIZED SIGNATURE: _____
Bryan Rogers

ACCEPTANCE OF PROPOSAL: The above price is satisfactory and is hereby accepted. You are hereby authorized to do the work as specified. Payment will be made as outlined above.

SIGNATURE: _____

DATE OF ACCEPTANCE: _____

NOTE: We may withdraw this proposal if not accepted within 30 days.

~JOB PROPOSAL~

BRYAN ROGERS CONSTRUCTION, INC.

DBA Florida Septic

601 N Ferdon Blvd

Crestview, FL 32536

(850) 837-7200

flaseptic@hotmail.com

CITY OF DESTIN, FLORIDA

CONTRACT

MISCELLANEOUS STORMWATER MAINTENANCE CONTINUING SERVICES CONTRACT

On September 8, 2015 THE CITY COUNCIL OF THE CITY OF DESTIN, FLORIDA, herein referred to as the **City**, accepted the bid of Florida Septic & Sewer Service, Inc. herein referred to as the **Contractor**, to supply miscellaneous stormwater maintenance services for City properties. The Contractor's Cost Schedule for the terms of their engagement is included in their entirety by reference at Exhibit "A" and as completely as if incorporated herein.

TERMS AND CONDITIONS OF CONTRACT FOR THE MISCELLANEOUS STORMWATER MAINTENANCE CONTINUING SERVICES CONTRACT:

1. Entire Contract:

This Contract represents the entire and integrated Contract between the City and Contractor and supersedes all prior negotiations, representations or contracts, either written or oral. Provisions of this Contract may be amended only by written instrument approved by the Destin City Council and signed by the City Manager and Contractor.

2. Intent of Contract:

This Contract is for supplying the City with all applicable stormwater maintenance services for City properties. The Scope of Work, herein referred to as the **Work**, encompasses the foregoing and all descriptive work components described within Exhibit "A".

3. Term of Contract and Time Extensions:

This contract will be in effect from October 1, 2015 through September 30, 2016 and is for supplying the City with stormwater maintenance services.

4. Time for Performance:

The Contractor agrees to provide stormwater maintenance services for the satisfactory approval and acceptance by the City.

5. Compensation:

All payments upon contract are contingent upon the Contractor's Work being acceptable to the City. For satisfactory completion and acceptance of the Work, the City agrees to pay the Contractor in accordance with the terms of this Contract and the Contractor's Cost Schedule as identified in the Bid Form submitted by the Contractor, as may have been adjusted at the time of contract approval and incorporated herein.

6. Changes in the Work:

The City shall have the right at any time during the progress of the Work to increase or decrease the Work. Promptly after having been notified of a change, the Contractor shall submit an itemized estimate of any costs and/or time increases or savings it foresees as a result of the change. No additions or changes to the Work shall be made except upon written order of the City and the City shall not be liable to Contractor for any increased compensation without such written order.

7. Insurance:

Contractor shall, during the performance of the contract, maintain Worker's Compensation Insurance sufficient to secure benefits of the Florida Workmen's Compensation Law for all employees and any of the work sublet to any vendor or subcontractor, Comprehensive General Liability Insurance, Auto Liability Insurance, Builder's Risk Insurance, all with companies and in the form and amounts acceptable to the City. Said certificates of insurance of contractor are attached hereto and made a part hereof by reference. If any part of the work is sublet, similar insurance shall be provided by and in behalf of any subcontractors.

Evidence of Insurance: Contractor shall provide the City Certificates of Insurance naming the City as an additional insured. All binders, policies, or certificates of insurance shall provide for at least ten days notice from insurers to the City of any cancellation or amendment to any of the insurance policies.

8. Indemnification:

Contractor shall indemnify, defend, save, and hold the City, its agents, officers and employees, harmless of and from any losses, fines, penalties, costs, damages, claims, demands, suits, and liabilities of any nature, including reasonable attorney's fees (including regulatory and appellate fees), arising out of, because of, or due to any accidents arising in any manner on account of the exercise or attempted exercise of Contractor's rights hereunder whether the same regards person or property of any nature whatsoever, regardless of the apportionment of negligence, unless due to the sole negligence of the City.

Contractor shall indemnify, defend, save and hold the City, its agents, officers and employees, harmless of and from and against any and all liens, claims, damages, demands, suits and liabilities, attorney's fees and costs, including appellate attorney's fees and costs, of and for mechanics and materialmen furnishing labor and materials in the performance of this contract.

9. Licensing:

The Contractor shall obtain all permits and maintain at his expense all professional and business certificates and licenses required by law and as necessary to perform services under this Contract. If Contractor performs any Work without obtaining, or contrary to, permits and licenses, Contractor shall bear all costs arising therefrom. The City may waive fees for City controlled permits, but in no instance can the City waive permit requirements nor fees beyond their control.

10. Cancellation:

This contract may be canceled by either party with a thirty day written notice and is contingent upon the annual appropriation by the City of legally available funds. City's obligation to pay the amount due hereunder in any fiscal year is contingent upon the appropriation by the City Council of legally available funds for the purposes set forth in this contract.

11. Performance of Work/Responsibilities:

For each task, the Contractor will be issued a work order by the City's Public Services Director or designee. The Public Services Director or designee will issue verbal work orders only in emergency situations. The Contractor shall commence work in a reasonable length of time and shall complete the work in an expeditious manner. In emergency situations, the Contractor shall endeavor to commence work immediately. All work shall be done under the supervision of the City's Public Services Director or designated representative. The performance of Work and responsibilities hereto are outlined and made a part hereof as identified in Exhibit "A".

12. Termination for Default:

The Contract will remain in force for the full period specified and until the City Manager or his designee determines that all requirements and conditions have been satisfactorily met and the City Manager or his designee has accepted the work under the Contract Documents following the initial contract terms and all subsequent contract terms, including warranty and guarantee periods. However, the City Manager will have the right to terminate this Contract sooner if the Contractor has failed to perform satisfactorily the work required or comply with the other requirements of the Contract.

In the event the City Manager decides to terminate this Contract for the Contractor's failure to perform satisfactorily or meet its other responsibilities under the Contract, the City Manager will give the Contractor five (5) days' notice, whereupon the Contract will terminate, unless during the notice period the Contractor cures the failure to perform or meets its other responsibilities under the Contract to the satisfaction of the City Manager.

Upon Contract termination for the Contractor's failure to provide satisfactory contract performance, the Contractor will be entitled to receive compensation for Contract services satisfactorily performed by the Contractor and allocable to the Contract and accepted by the City Manager or his designee prior to such termination. However, an amount equal to all additional costs required to be expended by the City to complete the Work covered by the Contract, including costs of delay in completing the project, shall be either subtracted from any amount due or amount charged to the Contractor in the event the City Manager terminates the Contract.

Except as otherwise directed by the City Manager, or in the case of termination for default (in which event the Contractor may be entitled to cure, at the option of the City Manager), the Contractor shall stop work on the date of receipt of the notice or other date specified in the notice, place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the work not terminated, and terminate all contractor and subcontracts and settle all outstanding liabilities and claims. *In the event that any termination for default shall be found to be improper or invalid by any court of competent jurisdiction, then such termination shall be deemed to have been a termination for convenience.*

13. Termination for Convenience:

The performance of work under this Contract may be terminated by the City Manager in whole or in part whenever the City Manager, in his discretion, determines that such termination is in the City's best interest. Any such termination shall be effected by the City Manager giving at least five (5) days' notice to the Contractor, specifying the extent to which performance of the work under this Contract is terminated and the date upon which such termination becomes effective.

As to termination for convenience, after receipt of the date of termination, the Contractor shall stop all work as specified in the notice; place no further orders or subcontract for materials, services, or facilities except as are necessary for the completion of such portion of the Work not terminated; immediately transfer all documentation and paperwork for terminated work to the City; and terminate all contractors and subcontracts and settle all outstanding liabilities and claims.

14. Disclosure:

Contractor warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Contractor to solicit or secure this Contract and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Contractor, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Contract.

15. Miscellaneous:

15.1 Governing Law

The parties intend that this Contract and the relationship of the parties shall be governed by the laws of the State of Florida. Venue for any action arising out of this contract shall be in Okaloosa County Florida and no where else.

15.2 Severability

If any section, subsection, term or provision of this Contract or the application thereof to any party or circumstance shall, to any extent, be invalid or unenforceable, the remainder of said section, subsection, term or provision of this Contract or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable, shall not be affected thereby and each remaining section, subsection, term or provision of this Contract shall be valid or enforceable to the fullest extent permitted by law.

15.3 Sovereign Immunity

The parties further agree, nothing contained herein is intended nor shall be construed to waive the City of Destin's rights and immunities under the Florida constitution, common law or Florida Statutes 768.28, as amended from time to time.

15.4 Construction

The Parties have participated jointly in the negotiation and drafting of this Contract. In the event an ambiguity or question of intent or interpretation arises, this Contract shall be construed as if drafted jointly by the Parties and no presumption or burden of proof shall arise favoring or disfavoring any Party by virtue of the authorship of any of the provision of this contract.

15.5 Attorney's Fees

In any dispute relating to this contract each party shall be responsible for their respective attorney's fees and costs.

15.6 Notices

All notices under the Contract shall be in writing and shall be effective when mailed by certified mail, return receipt requested, or when delivered personally, as provided hereafter, or to such other addresses as may be designated by notice:

15.7 Public Records

Contractor shall comply with Florida Public Records Laws, specifically to:

- (a) Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
- (b) Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
- (c) Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.
- (d) Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure

requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.

As to the City:

Greg Kisela
4200 Indian Bayou Trail
Destin, Florida 32541

As to the Contractor:

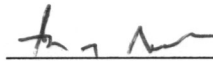
Florida Septic & Sewer Service, Inc.
PO Box 7076
150 Industrial Park Road # 2
Destin, FL 32540

IN WITNESS WHEREOF, the City hereunto caused these presents to be subscribed and the Contractor has affixed their name and seal, this 17th day of September, 2015.

ATTEST:

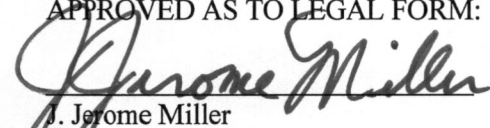

Rey Bailey
City Clerk

CITY OF DESTIN

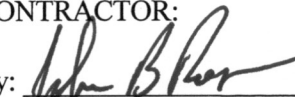
By: 
Greg Kisela
City Manager

SEAL

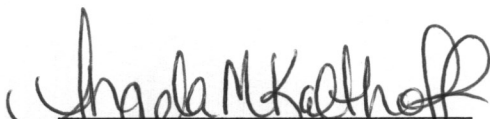
APPROVED AS TO LEGAL FORM:


J. Jerome Miller
City Attorney

Florida Septic & Sewer Service, Inc.
CONTRACTOR:

By: 
(Signature)

John B. Rogers
(Printed Name)


Witness


Witness

Its: Manager
(Title)

EXHIBIT A

CITY OF DESTIN, FLORIDA
REQUEST FOR BIDS RFB No. 15-11-PS,
MISCELLANEOUS STORMWATER MAINTENANCE CONTINUING SERVICES

BID FORM

PART I Bid submitted by:

Company: Florida Septic & Sewer Service, Inc.
Address: P.O. Box 7076 - 150 Industrial Park Rd #2
City & State: Destin, FL Zip Code: 32540
Telephone: () 850-837-7200 Fax: () 850-654-4791
Number of Years in Business: 32

PART II Bidding RFB No. 15-11-PS, MISCELLANEOUS STORMWATER MAINTENANCE CONTINUING SERVICES, as follows:

Contractor shall provide proper signs and traffic control measures as per Florida Department of Transportation's Manual on Traffic Control and Safe Practices for Streets and Highway Constructions, Maintenance and Utility Operations, current edition. All construction, methods of measurement, and basis of payment shall be in accordance with Division II and III of the Florida Department of Transportation Standard Specifications for Road And Bridge Construction, current edition, copies of which are available from the Florida Department of Transportation.

ITEM

UNIT PRICE

1. Hourly cost associated with stormwater maintenance
2. Materials and Supplies:

\$ 305.00

Materials and supplies will be billed at contractor's wholesale price or contractors wholesale price plus 20%. Preference may be given to contractors providing materials at cost. The contractor shall supply materials invoices upon request.

3. Equipment costs, if any:

Included in above hourly
rate

\$ _____
\$ _____
\$ _____
\$ _____
\$ _____

4. Contractor is required to provide disposal area. City owned property and right of ways are not authorized without both the Public Services Director and City Manager's written authorization.

5. Any modifications to specified work must be authorized in writing by the Public Services Director.

6. Please list any additional costs associated with the above services and materials:

Disposal - if not provided
area by city

\$ 475.00 per load
\$ _____
\$ _____

To ensure responsiveness, you must submit this form and the mandatory information listed in Sections III and IV.

PART III Certifications:

In accordance with your request for Bids, instructions and specifications, attached hereto, and subject to all conditions thereof, I(we), the undersigned, hereby propose and agree if this Bid is accepted, to contract with the City of Destin, Florida to construct any items or furnish any service requested herein and deliver same without additional cost to the City of Destin at the specified location for the quotations listed above.

The undersigned further declares that he/she has carefully examined the specifications referenced on this Bid Form and is thoroughly familiar with them and their provision(s). He further declares that no other person than the Bidder herein named has any interest in this Bid or in the contract to be executed, and that it is made without any connection with any other person(s) making Bid for the same articles, and it is in all respects fair and without collusion and fraud.

Signature and Certification:

Name and Title of Authorized Representative: _____

John Bryan Rogers
(Print or Type)

Signature: _____

John B Rogers

Date of Bid: _____

7-7-15

Note: See RFB Section III, Bid Requirements, and attach all required information to Bid form.

The City of Destin reserves the right to reject any and all Bids or portions thereof, to waive minor defects in the process and to accept the Bid or any combination of Bid Items or take any other actions deemed by the City to be in the City's best interest. The City also reserves the right to assign additional work to the successful Bidder based upon their Bid proposal or negotiation as may be necessary to meet grant funding or completion requirements.

END OF BID FORM

CONTRACT EXTENSION AGREEMENT

This agreement dated the Twenty-second day of October 2019 is between the City of Destin, Florida ("City"), a Florida municipal corporation, of 4200 Indian Bayou Trail, Destin, Florida, 32541 and Florida Septic & Sewer Services, Inc. The purpose of this agreement is to extend for one year a contract for services dated September 17, 2015 between the City of Destin and Florida Septic & Sewer Services, Inc to provide miscellaneous services for the City.

The following provision amends the contract of the parties and is binding upon them. The Parties mutually agree to add a jury trial waiver, and a public records provision, as follows:

Jury Trial Waiver:

CONTRACTOR AND CITY AGREE TO WAIVE THEIR RIGHTS TO A TRIAL BY JURY REGARDING ANY LAWSUIT INVOLVING THE INTERPRATION, CONSTRUCTION, ENFORCEMENT, OR GOVERNANCE OF THIS CONTRACT, AND FOR ANY LAWSUIT RELATED IN ANY WAY TO THIS CONTRACT OR FOR THE WORK PERFORMED PURSUANT TO THIS CONTRACT.

Public Records:

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THE CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT THE OFFICE OF THE CITY CLERK, (850) 837-4242, 4200 INDIAN BAYOU TRAIL, DESTIN, FLORIDA 32541, rbailey@cityofdestin.com

Contractor shall comply with Florida Public Records Laws, specifically to:

- Keep and maintain public records that ordinarily and necessarily would be required by the City of Destin in order to perform the service.
- Shall immediately provide the City Clerk for the City with any documents requested by the Clerk in response to a public records request.
- Provide the public with access to public records on the same terms and conditions that the City of Destin would provide the records and at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes or as otherwise provided by law.
- Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law.

It is understood that final authorization for this Agreement must be made by the Destin City Council, and that either party may cancel this contract extension with 30 days written notice.

- Meet all requirements for retaining public records and transfer, at no cost, to the City of Destin all public records in possession of the Contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the City of Destin in a format that is compatible with the information technology systems of the City of Destin.

It is expressly agreed by the parties that this contract is an extension to the Contract dated September 17, 2015 and the original is made a part hereof as though expressly rewritten, incorporated, and included herein.

It is understood that final authorization for this Agreement must be made by the Destin City Council, and that either party may cancel this contract extension with 30 days written notice.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals on the day and year first above written.

Witnesses:

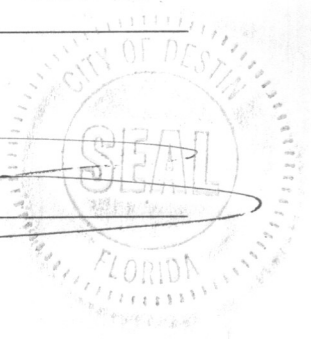
Lorraine Bender
(Signature)

Erica Eichen
(Signature)

City of Destin

By: Lance Johnson
Lance Johnson
City Manager

ATTEST: Rey Bailey
Rey Bailey
City Clerk



Witnesses:

Angela McKelthoff
(Signature)

Radio Rojas
(Signature)

Florida Septic & Sewer Services, Inc

By: John B. Rogers
(Signature)

John B Rogers - Manager
(Name & Title)

ATTEST: Lina Cant
(Signature)

Lina Brant - Pres.
(Name & Title)



Public Services Department

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-837-6869 | Fax: 850-837-9693 | www.cityofdestin.com

October 22, 2019

Florida Septic & Sewer Services, Inc.

~~160 Industrial Park Road~~

Destin, FL 32541

P.O. Box 7016

SUBJECT: Contract Extension Agreement

Dear Mr. Rogers:

I am enclosing the contract extension agreements approved by City Council on September 16, 2019. Please sign in the four locations at the bottom of the document and forward both originals along with your current Certificate of Insurance back to our office. We will accomplish the additional signatures and return an original of the completed document to your office.

Please ensure you obtain **four different signatures** as indicated on the attached sample.

If you need additional information or would like to contact me concerning this matter, you may reach me at 837-6869.

Sincerely,

Timothy L. Pistenpol

Deputy Public Services Director

Attachment:

Sample Contract Extension

2 Originals





INTEROFFICE ROUTING SHEET

From: Erica Eliason	Department Public Services	Initials ee	Date 12/12/2019
Subject: FL Septic & Sewer Contract Extension		Date Needed: ☐ URGENT asap	
To: (Name, Department) Michael Burgess, PS Director 1.	Initials MB	Date 12/13/19	☒ Approval
			☒ Signature Required
Lance Johnson, CM 2.			Action Required
			Comment/Recommendation
			Read and File
3.			Other _____
Remarks (Explanations, further instruction, questions, etc.) We have attached the contract extension for FL Septic & Sewer. Contract approved by the city attorney.			
Response From:			Approved
			See Me
			Action Needed
			Comment/Recommendation
			Investigate
			Prepare Response
			Read and File
			Other _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: October 7, 2019

TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Michael Burgess, Public Services Director

DATE: 096/18/19

SUBJECT: Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer

I. BACKGROUND: The Public Services Department is not equipped nor does it have adequate personnel to perform major stormwater maintenance. For these more comprehensive projects, it is necessary to outsource the work to vendors who have the equipment and manpower. Florida Septic & Sewer Service, Inc. has satisfactorily provided these services under the current miscellaneous storm water continuing services contract, which went into effect September 17, 2015.

II. DISCUSSION: The signing of this contract by the City in no way guarantees the City will, nor obligates the City to expend its funds. It merely authorizes the City to utilize the contractor if funds are allocated by Council.

A. Link to Strategic Goals / Objectives: Organizational Excellence, III.A.1, III. A. 2.

B. Effect on Budget (EOB): \$60,000 was approved in the FY 20 budget for miscellaneous storm water maintenance.

C. Level of Service (LOS): No change.

III. CONCLUSION: This action allows for the fourth of four possible contract extensions for the miscellaneous storm water maintenance continuing services provider.

IV. RECOMMENDED MOTION: I move that the contract extension for miscellaneous storm water maintenance services be extended for one year from October 1, 2019 to September 30, 2020 for Florida Septic & Sewer Service Inc., and authorize the City Manager to execute the contract on behalf of the City.

ITEM # 2019-1650

Attachments:

1. Stormwater maintenance contract ext

**ACTION AGENDA
REGULAR MEETING
DESTIN CITY COUNCIL
OCTOBER 7, 2019
ANNEX COUNCIL CHAMBERS**

AGENDA APPROVAL

Councilmember Destin asked to set aside Mr. Ronnie Bell's presentation until his arrival at this meeting.

Councilmember Destin requested that the following items be placed under his name for discussion / action:

- 1) Heritage Park/Treasury**
- 2) Second reading of Election Ordinance**

Councilmember Ramswell requested that Consent Agenda items A-G be pulled for discussion.

Motion to approve the agenda incorporating all the above changes passed 6-0. Councilmember Morgan was not present during voting.

1. APPROVAL OF MINUTES

A. Approval of minutes of July 10, 2019 City Council Workshop

Motion to approve minutes of July 10, 2019 City Council Workshop passed 6-0. Councilmember Morgan was not present during voting.

B. Approval of minutes of July 1, 2019 Regular City Council Meeting

Motion to approve minutes of July 1, 2019 Regular City Council Meeting passed 6-0. Councilmember Morgan was not present during voting.

2. PROCLAMATIONS/RECOGNITIONS/SPECIAL PRESENTATIONS/ANNOUNCEMENTS

A. Presentation of Certificate of Achievement to Mr. Murray Casey and Mr. David Bazylak, from the City of Destin Code Compliance Department

The Mayor presented a Certificate of Achievement to Mr. Murray Casey and Mr. David Bazylak recognizing their life saving actions in the line of duty.

B. Ronnie Bell from Waste Management Update on Recycling and Rates

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

4. CITY MANAGER REPORTS

A. Crab Island Proposed Actions

Motion to recommend approval of the proposed changes to the County's Floating Structures Ordinance that were approved by the Floating Structures Committee to the County Commissioners passed 5-1; with Councilmember Marler dissenting. Councilmember Morgan was not present during voting.

Councilmember Ramswell's findings/recommendations relative to the proposed ordinance:

- Page 3, line 5-6: refers to "principal floating structure"; but ordinance only provides definition for "primary floating structure"
- Page 5, Section 19-83(2)(a) – discusses floating structures permanently moored to a dock as having alcoholic beverage prohibition. Suggests changing to "permanently and temporarily" to avoid any loopholes
- The proposed ordinance referenced a "map of the area" as an attachment, but the map is not provided.

The City Attorney will address these findings with the County Attorney.

B. Development Review Software Update/Request for Public Closure of Community Development Department on Fridays

Motion to authorize the Community Development Department staff to close on Fridays to the public passed 6-0.

C. Announcements

CC provided an update on the upcoming Open House:

- **Thursday, October 24th from 11:30 – 1:00 PM @ the Destin Community Center**
- **Theme is “Looking Back, Moving Forward”**
- **Shred truck on site from 11:00 to 2:00 PM**
- **Parking fees at the Community Center will be waived from 10:00 AM to 3:00 PM**

5. PUBLIC HEARINGS

A. First reading of Ordinance 19-16-LC - Establishment of a "Change of Use" process which regulates changes of previously approved land uses.

Motion to approve Ordinance 19-16-LC on first reading passed 7-0.

B. First reading of Ordinance 19-19-LC - Process of development application review.

Motion to approve Ordinance 19-19-LC on first reading, with the conditional use approval to be at the City Manager, Community Development Director, or at the Local Planning Agency level failed 2-5 (Marler/Overdier – “yes” / Morgan/Destin/Menchel/Ramswell/Braden – “no”).

Motion to approve Ordinance 19-19-LC on first reading passed 6-1; with Councilmember Overdier dissenting.

C. First reading of Ordinance 19-23-LC - Amending the Land Development Code, Section 7.12.01(A)2 Zoning Maps to include a change in the zoning designations of parcels from Medium Density Residential Village (MDR-V) to Residential, Office and Institutional Village Residential (ROI-VR)

**Motion to approve Ordinance 19-23-LC
on first reading passed 7-0.**

Note from Councilmember Ramswell:
**On page 2, Section 3, last line of
proposed ordinance – remove “Lauren,
please insert Parcel ID nos. here and use
a revised Ex. A which removes the
institutional parcel.”**

D. First reading of Ordinance 19-24-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Residential, Office, Institutional General Development (ROI-GD) to Residential, Office Institutional Village Residential (ROI-VR)

**Motion to approve Ordinance 19-24-LC
on first reading passed 7-0.**

E. First reading of Ordinance 19-25-LC - Amending Article 7 of the Land Development Code to establish conditional uses in the Commercial General (CG) zoning district.

**Motion to approve Ordinance 19-25-LC
on first reading passed 7-0.**

F. First reading of Ordinance 19-26-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from Institutional (INST) and Commercial General (CG) to entirely Institutional (INST).

**Motion to approve Ordinance 19-26-LC
on first reading passed 7-0.**

G. First reading of Ordinance 19-27-LC - Relating to changes to the Zoning Map, which changes the zoning of multiple parcels from Commercial General (CG) to Town Center Mixed Use (TCMU), to match the future land use designation assigned in the Comprehensive Plan.

**Motion to approve Ordinance 19-27-LC
on first reading passed 7-0.**

H. First reading of Ordinance 19-28-LC Consolidation of the Residential, Office, Institutional General Development (ROIGD) and Residential, Office, Institutional Village Residential (ROI-VR) zoning districts.

Motion to approve Ordinance 19-28-LC on first reading passed 7-0.

I. First reading of Ordinance 19-29-LC - Relating to changes to the Zoning Map, which changes the zoning of one parcel from multiple zoning districts (Recreation, Institutional, and Residential, Office, Institutional General Development) to Institutional (INST).

Motion to approve Ordinance 19-29-LC on first reading passed 7-0.

J. First reading of Ordinance 19-30-CN - Livery Vessel Permitting Moratorium Extension

Motion to approve Ordinance 19-30-CN on first reading passed 6-1; with Councilmember Marler dissenting.

6. CONSENT AGENDA

- A. Request approval of contract extension for the Asphalt Services with H&T Contractors
- B. Request approval of contract extension for Concrete Services with SH Hayes Enterprises
- C. Request approval of contract extension for Fencing Services with SH Hayes Enterprises
- D. Request approval of contract extension for Road Striping Services with Emerald Coast Striping d/b/a Coastline Striping
- E. Request approval of contract extension for Security and Fire Safety with Advanced Protective Technologies
- ✓ F. Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer
- G. Request approval of contract extension for Miscellaneous Generator Continuing Services with RONCO Electric Service, LLC
- H. Request for use of city streets for McGuire's Irish Pub 5k/10k Run
 - I. Resolution 19-22, FY 20 Law Enforcement Agreement
 - J. Contract for FY19 Audit Services
- K. Resolution No. 19-23, Interlocal Agreement with the Destin Fire Control District for Beach Safety Services and Lifeguard Services
 - L. Agreement with the Choctawhatchee Basin Alliance for Continuing Services
 - M. Authorization to make Repairs to Matthew Blvd roadside parking, contractor damage
 - N. Resolution Number 19-24 Regarding Extension of Development Orders
 - O. Resolution 19-25 Execution of 2020 Okaloosa County Public Library Cooperative Interlocal Agreement

Motion to adopt the Consent Agenda, with the exception of items 6A thru 6G, passed 7-0.

**General comments from Council
relative to items 6A thru 6B:**

- Moving forward, attach copies of original contracts for reference (Ramswell)
- Table items to October 21st Council meeting (consensus)
- Motion to re-bid all services every year (Menchel). Motion was later rescinded.
- Provide information to legal counsel for review a lot sooner than 2 business days before a scheduled Council meeting (Menchel)
- Include any supplemental reports to the agenda item (Menchel)

6A. Request approval of contract extension for the Asphalt Services with H&T Contractors

Motion to instruct City staff and City Attorney to communicate to H&T Contractors the Council's desire to extend the term of the contract for the Asphalt Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting passed 7-0.

6B. Request approval of contract extension for Concrete Services with SH Hayes Enterprises

**Recommendations from Councilmember
Braden to change specs on the concrete
services contract for 6' to 10' sidewalks:**

- 4000 psi instead of 3000 psi
- Wire reinforcement
- No more than 4 slumps on concrete

Motion to instruct the City Attorney to communicate to SH Hayes Enterprises the Council's desire to extend the term of the contract for Concrete Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting passed. Also to instruct staff to reach out to SH Hayes Enterprises and discuss all the issues Councilmember Braden brought up and bring proposals back to Council for review and cost analysis so Council can decide whether to stay with the current contract or amend the contract to include Councilmember Braden's proposals, passed 7-0.

6C. Request approval of contract extension for Fencing Services with SH Hayes Enterprises

Motion to instruct the City Attorney to communicate to SH Hayes Enterprises the Council's desire to extend the term of the contract for the Fencing Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting passed 7-0.

6D. Request approval of contract extension for Road Striping Services with Emerald Coast Striping d/b/a Coastline Striping

Councilmember Menchel recommends doing a cost analysis to determine if it would be more cost effective to rent the road striping machine and hire a road striping crew as opposed to outsourcing the road striping services.

Motion to instruct the City Attorney to communicate to Emerald Coast Striping d/b/a Coastline Striping the Council's desire to extend the term of the contract for Road Striping Services to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting; also, to instruct staff to conduct the cost analysis as recommended by Councilmember Menchel and bring it back at the next regular Council meeting for Council's review, passed 7-0.

6E. Request approval of contract extension for Security and Fire Safety with Advanced Protective Technologies

Motion to instruct City staff to communicate to Advanced Protective Technologies the Council's desire to extend the term of the contract for Security and Fire Safety to a month-to-month arrangement; put this item out to bid; and for staff to bring this item back at the next regular City Council meeting passed 7-0.

6F. Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer

Motion to instruct the City Attorney to communicate to Florida Septic & Sewer the Council's desire to extend the term of the contract for Stormwater Maintenance to a month-to-month arrangement, and for staff to bring the item back at the next regular City Council meeting passed 7-0.

6G. Request approval of contract extension for Miscellaneous Generator Continuing Services with RONCO Electric Service, LLC

Motion to instruct the City Attorney to communicate to RONCO Electric Service, LLC the Council's desire to extend the contract for Miscellaneous Generator Continuing Services to a month-to-month arrangement; put this item out to bid; and for staff to bring the item back at the next regular City Council meeting passed 7-0.

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

A. Councilmember Braden

- 1) Concrete Continuing Services Contract discussion
- 2) Joe's Bayou Boat Launch and Boat Parking (Old Cemex Plant)

Councilmember Destin recommends that any difference in opinions with regards to jeopardizing grants be ran through the City attorneys for a legal opinion.

Councilmember Ramswell asked staff to search for an Environmental Impact Study that was conducted possibly around 2013/2014 to satisfy concern about fly ash in concrete.

- 3) LDC Amendments for Simplified Lot Split Process

Motion to formulate an ordinance adding a simplified lot-split process in the LDC passed 7-0.

B. Councilmember Ramswell

1) Letter of Support for the Destin High School

It was the consensus of the Council to authorize the Mayor to provide a letter of support, on behalf of the City, for the Destin High School.

C. Councilmember Menchel

When possible, invite the FAA to attend a Council meeting to address the drone issue.

Obtain an inventory of all City street lights from Gulf Power to verify electric bills.

Consider giving Council members access to City Manager's calendar.

D. Councilmember Overdier

E. Councilmember Marler

F. Councilmember Destin

1) Heritage Park/Treasury

Motion to instruct the Land Use Attorney to reach out to the legal counsel for the Treasury Department to obtain a tangible answer to the Heritage Park issue whether the RFP process would jeopardize the awarding of the grant passed 7-0.

2) Second reading ordinance amending election day in the City of Destin

Motion to instruct staff to schedule second reading of Ordinance 19-11-CC, amending the Election Day for the City of Destin from March to November, on the first meeting in November passed 6-1; with Councilmember Morgan dissenting.

It was the consensus of the Council that instead of going out to RFP to get an engineer to redesign the crosstown connector project for a two-lane acquisition, to reach out to the City's continuing service provider – Dewberry, Volkert, Baskerville-Donovan and Jenkins Engineering – to perform the redesign, and bring it back to Council in November 2019.

- G. Councilmember Morgan
- H. Mayor Gary Jarvis
- I. Land Use Attorney
- J. City Attorney

8. PUBLIC COMMENTS

ADJOURNMENT: 9:15 PM

Agenda Item Name:
[Edit/Versions\(1\)](#)

Request approval of contract extension for Stormwater Maintenance with Florida Septic & Sewer

Short Name:

Request approval of contract extension for Stormwa

Item ID:

2019-1650

Item Status:

New

▼

Outline No.:

6.F.

Item Finalized:

In Progress

▼

Cutoff Date:

10/3/2019 12:00 PM

Agenda Name:

October 7, 2019 Regular City Council Meeting

Event Date/Time:

10/7/2019 6:00 PM



Created: 9/18/2019 8:44:30 AM

Details

Other Details

Attachments (1)

Comments

Approvals (5)

Tasks

Agenda Item Report (1)

↕ EDIT ORDER

+ ADD APPROVALS

Delete	Routing Status	Assigned To	Arrived On	Approved By	Approved On	Days Assigned
	Created/Initiated	Rey Bailey	10/2/2019 4:32:21 PM			
	Approved	Bragg Farmer	10/2/2019 4:32:24 PM	Bragg Farmer	10/2/2019 4:38:06 PM	0
	Approved	Lance Johnson	10/2/2019 4:38:11 PM	Webb Warren	10/3/2019 2:55:39 PM	0
	Approved	Kyle Bauman	10/3/2019 2:55:46 PM	Kyle Bauman	10/3/2019 4:59:28 PM	0
	New	Rey Bailey	10/3/2019 4:59:30 PM			67

FLORIDA SEPTIC & SEWER

P.O. Box 7076
DESTIN, FL 32540

PENSACOLA FL 325

25 NOV 2019 PM 1 L

For: Tim Pietsenpol

City Of Destin
4200 Indian Bayou Trail
Destin, FL 32541



FOREVER / USA

32541-430500



CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Action Item

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Kyle Bauman, City Attorney

DATE: May 27, 2020

SUBJECT: Extensions 7 and 8 to the Amended Declaration of State of Emergency

I. BACKGROUND: On May 8, 2020, Governor DeSantis issued Executive Order 20-114, which extends the state-wide State of Emergency through July 7, 2020.

II. DISCUSSION: To ensure that the City maintains maximum flexibility to respond to the unpredictable COVID-19 virus, the City Council should authorize the City Manager to execute the attached extensions to the Amended Declaration of State of Emergency.

A. Link to Strategic Goals / Objectives:

B. Effect on Budget (EOB):

C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION: I move to authorize and direct the City Manager to execute Extensions 7 and 8 to the Amended Declaration of State of Emergency if the City Manager determines that a state of emergency still exists on June 8 and June 15, respectively.

Attachments:

1. COVID 19 Declaration - Extension No 7
2. COVID 19 Declaration - Extension No 8

**EXTENSION NO. 7 – FIRST AMENDED DECLARATION OF STATE OF
EMERGENCY – NOVEL CORONAVIRUS, COVID-19
CITY OF DESTIN, FLORIDA**

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency, which direction was followed by the appropriate agencies; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a State of Emergency for every county in Florida for COVID-19; and

WHEREAS, on March 18, 2020, the Mayor and City Manager of the City of Destin, Florida (the “City”) jointly issued a Declaration of a State of Emergency (the “COVID-19 Declaration”) in response to COVID-19; and

WHEREAS, there is law potentially limiting the COVID-19 Declaration’s effect to a period of only seven (7) days; and

WHEREAS, the conditions continue to exist requiring the extension of the COVID-19 Declaration; and

WHEREAS, on March 25, 2020, the Mayor and City Manager jointly issued Extension Number 1 to the COVID-19 Declaration;

WHEREAS, on April 1, 2020, the COVID-19 Declaration and Extension Number 1 thereto were duly ratified and approved by the Destin City Council; and

WHEREAS, on April 1, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 2 to the COVID-19 Declaration; and

WHEREAS, on April 6, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 3 to the COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 8, 2020; and

WHEREAS, on April 6, 2020 the Destin City Council authorized and directed the City Manager to issue Extension Number 4 to the COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 15, 2020; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue the First Amended Declaration of State of Emergency relating to the novel coronavirus, COVID-19; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 1 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 27, 2020; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 2 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 4, 2020; and

WHEREAS, on May 4, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 3 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist of May 11, 2020; and

WHEREAS, on May 4, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 4 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 18, 2020; and

WHEREAS, on May 18, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 5 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 25, 2020; and

WHEREAS, on May 18, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 6 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on June 1, 2020; and

WHEREAS, on June 1, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 5 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on June 8, 2020.

NOW THEREFORE, in consideration of the recitals above, all of which are incorporated herein below by reference, the City Manager hereby extends the Amended COVID-19 Declaration, and further states:

Section 1. COVID-19 Declaration Extended.

1. The COVID-19 Declaration is hereby extended for the maximum amount of time allowed by law or until the City Council determines that a state of emergency no longer exists. However, this the state of emergency shall not exceed any Executive Order from the Governor revoking or withdrawing Executive Order 20-52 and if Executive Order 20-52 is revoked or withdrawn, then this State of Emergency shall terminate automatically and without further action by the City Manager or City Council.

DULY EXECUTED this 8st day of June, 2020.

Lance Johnson, City Manager

Date: _____

Attest:

Approved as to form and legal
sufficiency:

Rey Bailey, City Clerk

Date: _____

Kyle Bauman, City Attorney

Date: _____

**EXTENSION NO. 8 – FIRST AMENDED DECLARATION OF STATE OF
EMERGENCY – NOVEL CORONAVIRUS, COVID-19
CITY OF DESTIN, FLORIDA**

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency, which direction was followed by the appropriate agencies; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a State of Emergency for every county in Florida for COVID-19; and

WHEREAS, on March 18, 2020, the Mayor and City Manager of the City of Destin, Florida (the “City”) jointly issued a Declaration of a State of Emergency (the “COVID-19 Declaration”) in response to COVID-19; and

WHEREAS, there is law potentially limiting the COVID-19 Declaration’s effect to a period of only seven (7) days; and

WHEREAS, the conditions continue to exist requiring the extension of the COVID-19 Declaration; and

WHEREAS, on March 25, 2020, the Mayor and City Manager jointly issued Extension Number 1 to the COVID-19 Declaration;

WHEREAS, on April 1, 2020, the COVID-19 Declaration and Extension Number 1 thereto were duly ratified and approved by the Destin City Council; and

WHEREAS, on April 1, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 2 to the COVID-19 Declaration; and

WHEREAS, on April 6, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 3 to the COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 8, 2020; and

WHEREAS, on April 6, 2020 the Destin City Council authorized and directed the City Manager to issue Extension Number 4 to the COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 15, 2020; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue the First Amended Declaration of State of Emergency relating to the novel coronavirus, COVID-19; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 1 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on April 27, 2020; and

WHEREAS, on April 20, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 2 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 4, 2020; and

WHEREAS, on May 4, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 3 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist of May 11, 2020; and

WHEREAS, on May 4, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 4 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 18, 2020; and

WHEREAS, on May 18, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 5 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on May 25, 2020; and

WHEREAS, on May 18, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 6 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on June 1, 2020; and

WHEREAS, on June 1, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 5 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on June 8, 2020; and

WHEREAS, on June 1, 2020, the Destin City Council authorized and directed the City Manager to issue Extension Number 5 to the Amended COVID-19 Declaration if the City Manager determines that the emergency continues to exist on June 15, 2020.

NOW THEREFORE, in consideration of the recitals above, all of which are incorporated herein below by reference, the City Manager hereby extends the Amended COVID-19 Declaration, and further states:

Section 1. COVID-19 Declaration Extended.

1. The COVID-19 Declaration is hereby extended for the maximum amount of time allowed by law or until the City Council determines that a state of emergency no longer exists. However, this the state of emergency shall not exceed any Executive Order from the Governor revoking or withdrawing Executive Order 20-52 and if Executive Order 20-52 is revoked or withdrawn, then this State of Emergency shall terminate automatically and without further action by the City Manager or City Council.

DULY EXECUTED this 15th day of June, 2020.

Lance Johnson, City Manager

Date: _____

Attest:

Approved as to form and legal
sufficiency:

Rey Bailey, City Clerk

Date: _____

Kyle Bauman, City Attorney

Date: _____

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Consent Agenda

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 21, 2020

SUBJECT: Request approval of a new single-family residential dock at 437 Calhoun Avenue

I. BACKGROUND: The applicant submitted a marine construction permit application for one (1) 15' x 24' roof over an existing boatlift, with two (2) catwalks; one (1) 3' x 28' catwalk and one (1) 4' x 15'. The total project footprint is ±900 square feet.

II. DISCUSSION: The proposed marine construction project meets the requirements of Article 11.05.00, City of Destin Land Development Code, in addition, to including the required 25-foot riparian setback from adjacent property lines.

In addition, the applicant provided a REVISED Florida Department of Environmental Protection (FDEP) Permit, File No. 0365793-002-EE and associated U.S. Army Corp Permit, File No. SAJ-2020-01172.

City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with Article 11.05.01.M., City of Destin Land Development Code, and the Coastal Management Element of the City's Comprehensive Plan (Coastal Management Element Policy 6-1.1.3).

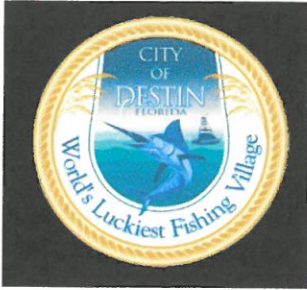
- A. Link to Strategic Goals / Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.
- B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.
- C. Level of Service (LOS):** There is not any anticipated effect on LOS.

III. CONCLUSION: During a public hearing on February 24, 2020, the Harbor and Waterways Board recommended approval of a single-family marine construction project proposed at 437 Calhoun Avenue for one (1) 15' x 24' roof over an existing boatlift, with two (2) catwalks; one (1) 3' x 28' and one (1) 4' x 15', subject to providing a revised FDEP and ACE permit and the applicant meeting all applicable City permit requirements

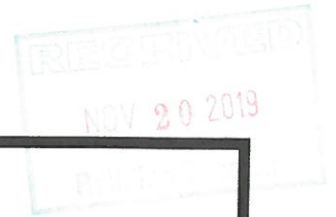
IV. RECOMMENDED MOTION: I move that City Council approve a single-family marine construction project located at 437 Calhoun Avenue subject to the applicant meeting all applicable City permit requirements.

Attachments:

1. Harbor Board Application
2. REVISED FDEP Permit
3. REVISED Site Plan
4. 20200519 - SAJ-2020-01172 - Permit
5. Calhoun Ave 437_ Abutter Notice
2.24.20
6. City Council Staff Report FINAL 437
Calhoun Ave



City of Destin
Community Development Department
Planning & Zoning Division
City of Destin Annex
4100 Indian Bayou Trail
Destin, Florida 32541
Phone (850) 837-4242 • Fax (850) 460-2171
planning@cityofdestin.com



APPLICATION for HARBOR BOARD

Harbor Board meets the 4th Monday of each month, all applications must be submitted at least one month prior.

Description of work: BUILD A BOATHOUSE OVER AN EXISTING LIFT

1. APPLICANT INFORMATION:

Name: DONALD DAVIS, WHAT'S UP DOCKS

Mailing Address: 6534 LAKE SHORE DR. MILTON FL. 32570

Phone: 850-623-2132 Fax: N/A

Email: WHATSUPDOCKS1@GMAIL.COM

2. PROPERTY TO BE REVIEWED:

Street Address: 437 CALHOUN AVE

Parcel ID #: 00-25-22-0310-000D-0880

3. **FEE:** \$50.00 Residential Cash, Check, MasterCard or Visa
\$100.00 Commercial

Fees must be paid when submitting an application.



4. ADDITIONAL DOCUMENTATION REQUIRED:

- a. Complete detailed drawings and site plan.
- b. Adjacent property owner mailing information.

State and Federal permits required prior to submission for Harbor Board approval. Association approval (if applicable) shall accompany a completed application for a building permit, provided no additional slips are created. (Article 11.05.01B., Land Development Code).

APPLICANT'S SIGNATURE: [Signature]

DATE: 20 NOV 2019



FLORIDA DEPARTMENT OF Environmental Protection

Northwest District
160 W. Government Street, Suite 308
Pensacola, FL 32502

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Noah Valenstein
Secretary

March 24, 2020

Michelle Millikan
437 Calhoun Ave
Destin, Florida 32541
TLewis@lusimon.com.au

File No.: 0365793-002-EE/46, Okaloosa County

Dear Ms. Millikan:

On March 18, 2020, we received your request for verification of exemption to perform the following activities:

To install a covered boat lift and adjacent catwalk to an existing single-family dock totaling less than 1,000 square feet within Marler Bayou, Class II Florida Waters, Prohibited Shellfish Harvesting Area. The project is located at 437 Calhoun Drive, Destin, Florida 32541, Parcel No. 00-2S-22-0310-000D-0880, in Section 00, Township 02 South, Range 22 West in Okaloosa County; 30°24'22.16" North Latitude, 86°30'5.54" West Longitude.

Your request has been reviewed to determine whether it qualifies for (1) regulatory exemption, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal approval that may be necessary for work in wetlands or waters of the United States.

Your project did not qualify for the federal review portion of this verification request.

Additional authorization must be obtained prior to commencement of the proposed activity. This letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity. Please refer to the specific section(s) dealing with that portion of the review below for advice on how to proceed.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Verified

Based on the information submitted, the Department has verified that the activity as proposed is exempt, under Rule 62-330.051(5)(b), Florida Administrative Code (F.A.C.) from the need to obtain a regulatory permit under Part IV of Chapter 373 of the Florida Statutes.

This exemption verification is based on the information you provided the Department and the statutes and rules in effect when the information was submitted. This verification may not be valid if site conditions materially change, the project design is modified, or the statutes or rules governing the exempt activity are amended. In the event you need to re-verify the exempt status for the activity, a new request and verification fee will be required. Any substantial modifications to the project design should be submitted to the Department for review, as changes may result in a permit being required.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for an automatic consent by rule under Rule 18-21.005(1)(b), F.A.C. and Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein. No further application is required for this consent by rule.

Special Consent Conditions for Sovereign Submerged Lands Authorization

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty

(30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.

4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.

5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

General Conditions for Authorizations for Activities on State-Owned Submerged Land

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

(a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.

(b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.

(c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.

(d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.

(e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.

(f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.

(g) Structures or activities shall not create a navigational hazard.

(h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.

(i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.

(j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

3. Federal Review – SPGP Not Approved

Your proposed activity as outlined on your application and attached drawings **does not qualify** for Federal authorization pursuant to the State Programmatic General Permit and a **SEPARATE permit** or authorization **shall be required** from the Corps. You must apply separately to the Corps using their APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT, ENG FORM 4345, or alternative as allowed by their regulations. More information on Corps permitting may be found online in the Jacksonville District Regulatory Division Source Book at: <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this letter. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you

do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at Hali.Troendle@FloridaDEP.gov

EXECUTION AND CLERKING

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Hali Troendle
Environmental Specialist
Submerged Lands and Environmental Resources Program

Attachments:

1. Rule 62-330.051(5)(b), F.A.C. and Section 403.813(1)(b), F.S., 2 pages
2. Project Drawings, 6 pages

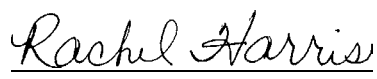
CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, Wade.Dandridge@FloridaDEP.gov
Keith Johnson, Wetland Sciences Inc., keith@wetlandsciences.com
Okaloosa County, mmartinez@co.okaloosa.fl.us, jautrey@co.okaloosa.fl.us,
sbitterman@co.okaloosa.fl.us, propertyappraiser@okaloosapa.com
City of Destin, planning@cityofdestin.com

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

March 24, 2020
Date

62-330.051 Exempt Activities.

The activities meeting the limitations and restrictions below are exempt from permitting. However, if located in, on, or over state-owned submerged lands, they are subject to a separate authorization under chapters 253 and 258, F.S., as applicable.

(5) Dock, Pier, Boat Ramp and Other Boating-related Work –

(b) Installation of private docks, piers, and recreational docking facilities, and installation of local governmental piers and recreational docking facilities, in accordance with section 403.813(1)(b), F.S. This includes associated structures such as boat shelters, boat lifts, and roofs, provided:

1. The cumulative square footage of the dock or pier and all associated structures located over wetlands and other surface waters does not exceed the limitations in section 403.813(1)(b), F.S.;
2. No structure is enclosed on more than three sides with walls and doors;
3. Structures are not used for residential habitation or commercial purposes, or storage of materials other than those associated with water dependent recreational use; and
4. Any dock and associated structure shall be the sole dock as measured along the shoreline for a minimum distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Rulemaking Authority 373.026(7), 373.043, 373.4131, 373.4145, 403.805(1) FS. Law Implemented 373.406, 373.4131, 373.4145, 373.415, 403.813(1) FS. History—New 10-1-13, Amended 6-1-18.

403.813 Permits issued at district centers; exceptions.—

(1) A permit is not required under this chapter, chapter 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter 25270, 1949, Laws of Florida, for activities associated with the following types of projects; however, except as otherwise provided in this subsection, this subsection does not relieve an applicant from any requirement to obtain permission to use or occupy lands owned by the Board of Trustees of the Internal Improvement Trust Fund or a water management district in its governmental or proprietary capacity or from complying with applicable local pollution control programs authorized under this chapter or other requirements of county and municipal governments:

(b) The installation and repair of mooring pilings and dolphins associated with private docking facilities or piers and the installation of private docks, piers and recreational docking facilities, or piers and recreational docking facilities of local governmental entities when the local governmental entity's activities will not take place in any manatee habitat, any of which docks:

1. Has 500 square feet or less of over-water surface area for a dock which is located in an area designated as Outstanding Florida Waters or 1,000 square feet or less of over-water surface area for a dock which is located in an area which is not designated as Outstanding Florida Waters;
2. Is constructed on or held in place by pilings or is a floating dock which is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Shall not substantially impede the flow of water or create a navigational hazard;
4. Is used for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia; and

5. Is the sole dock constructed pursuant to this exemption as measured along the shoreline for a distance of 65 feet, unless the parcel of land or individual lot as platted is less than 65 feet in length along the shoreline, in which case there may be one exempt dock allowed per parcel or lot.

Nothing in this paragraph shall prohibit the department from taking appropriate enforcement action pursuant to this chapter to abate or prohibit any activity otherwise exempt from permitting pursuant to this paragraph if the department can demonstrate that the exempted activity has caused water pollution in violation of this chapter.



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 44.4 MILES. TURN LEFT ONTO CALHOUN AVE. SUBJECT PROPERTY WILL BE LOCATED ON THE LEFT HAND SIDE OF THE ROAD IN ~1 MILE WITH AN ADDRESS OF 437 CALHOUN AVE. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
00-2S-22-0310-000D-0880

PROPERTY OWNER
MICHELLE MILLIKAN
437 CALHOUN AVE
DESTIN, FL 32541

PROJECT LOCATION

437 CALHOUN AVE
DESTIN, FL 32541
LAT: 30.405738°
LONG: -86.501552°

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>
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4	DOCK PROFILE (TYPICAL)
5	DOCK DETAILS (TYPICAL)



ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
KEITH@WETLANDSCIENCES.COM

PROJECT NAME: 437 CALHOUN AVE

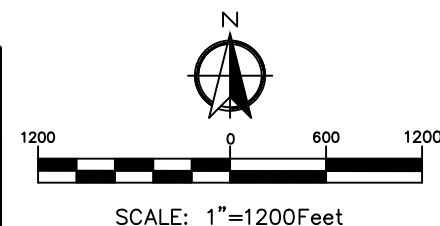
SITE LOCATION MAP

PROJECT NO.: 2018-284

DRAWN BY: KDJ

DATE: 02/26/20

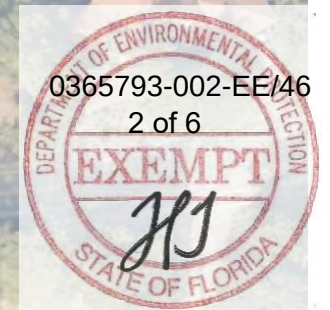
SHEET: 1





EXISTING DOCK AREA CALCS:	
50'x4' ACCESS PIER	= 200 S.F.
14'x10' TERMINAL PLATFORM	= 140 S.F.
10'x10' ACCESS CORNER	= 50 S.F.
12'x12' LIFT	= 144 S.F.
15'x4' CATWALK	= 60 S.F.
28'x3' CATWALK	= 84 S.F.
TOTAL	= 678 S.F.

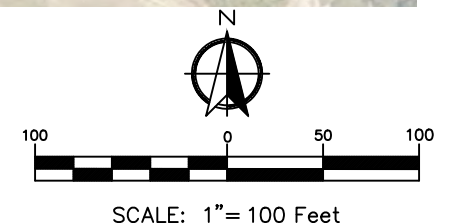
Note: Conceptual drawing for Environmental Permitting Purposes Only. Not for construction.



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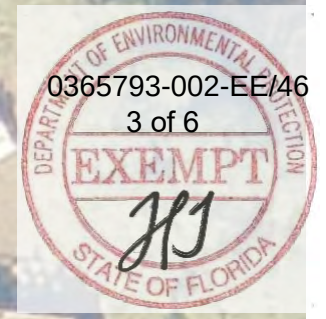
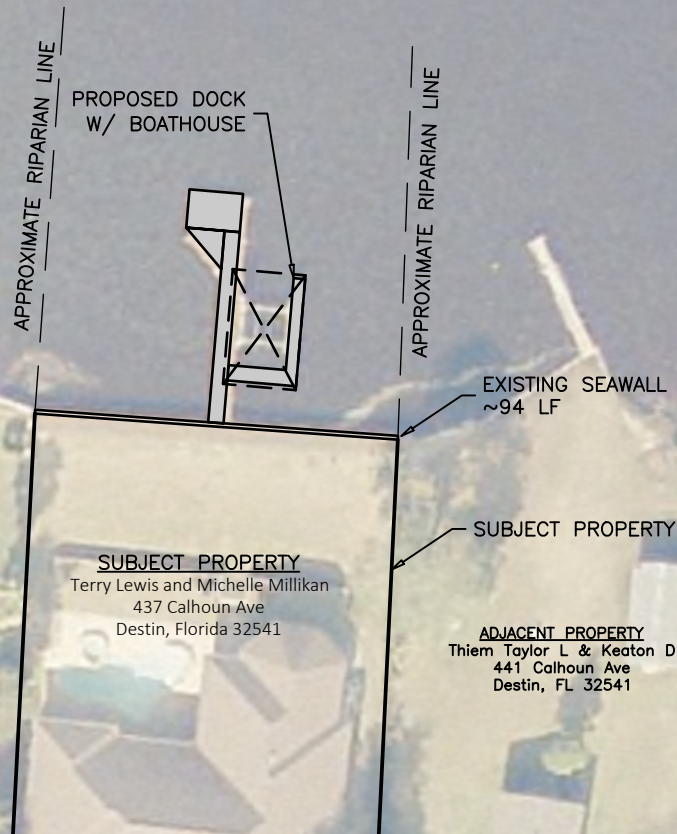
PROJECT NAME: 437 CALHOUN AVE
EXISTING CONDITIONS
PROJECT NO.: 2018-284
DRAWN BY: KDJ DATE: 02/26/20
SHEET: 2



Marler Bayou

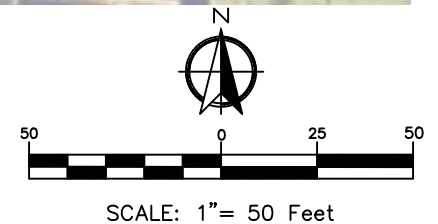
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14'x10' TERMINAL PLATFORM	= 140 S.F.
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24'x15' COVERED BOAT SLIP	= 360 S.F.
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28'x3' CATWALK	= 84 S.F.
TOTAL	= 894 S.F.

Note: Conceptual drawing for Environmental Permitting Purposes Only. Not for construction.



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PROJECT NAME: 437 CALHOUN AVE	
PLAN VIEW DEPICTED ONTO AERIAL	
PROJECT NO.: 2018-284	
DRAWN BY: kdj	DATE: 06/21/2018
SHEET: 3	



Marler Bayou

APPROXIMATE RIPARIAN LINE

APPROXIMATE RIPARIAN LINE

PREEMPTED AREA CALCS:

50'x4' ACCESS PIER	= 200 S.F.
14'x10' TERMINAL PLATFORM	= 140 S.F.
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MHWL RUNS ALONG
EXISTING SEAWALL
+/- 97 LF

ADJACENT PROPERTY
Lehtinen Saintnet & Florine
673 Rembrandt Rd
Boulder, CO 803029478

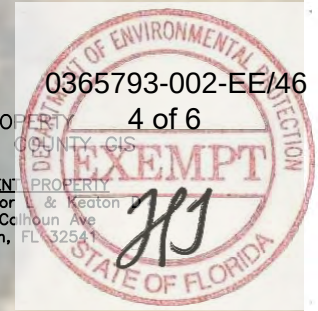
SUBJECT PROPERTY
Terry Lewis and Michelle Millikan
437 Calhoun Ave
Destin, Florida 32541

SUBJECT PROPERTY
PER WALTON COUNTY GIS

ADJACENT PROPERTY
Thiem Taylor & Keaton
441 Calhoun Ave
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0365793-002-EE/46

4 of 6



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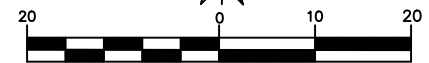
PLAN VIEW

PROJECT NO.: 2018-284

DRAWN BY: kdj

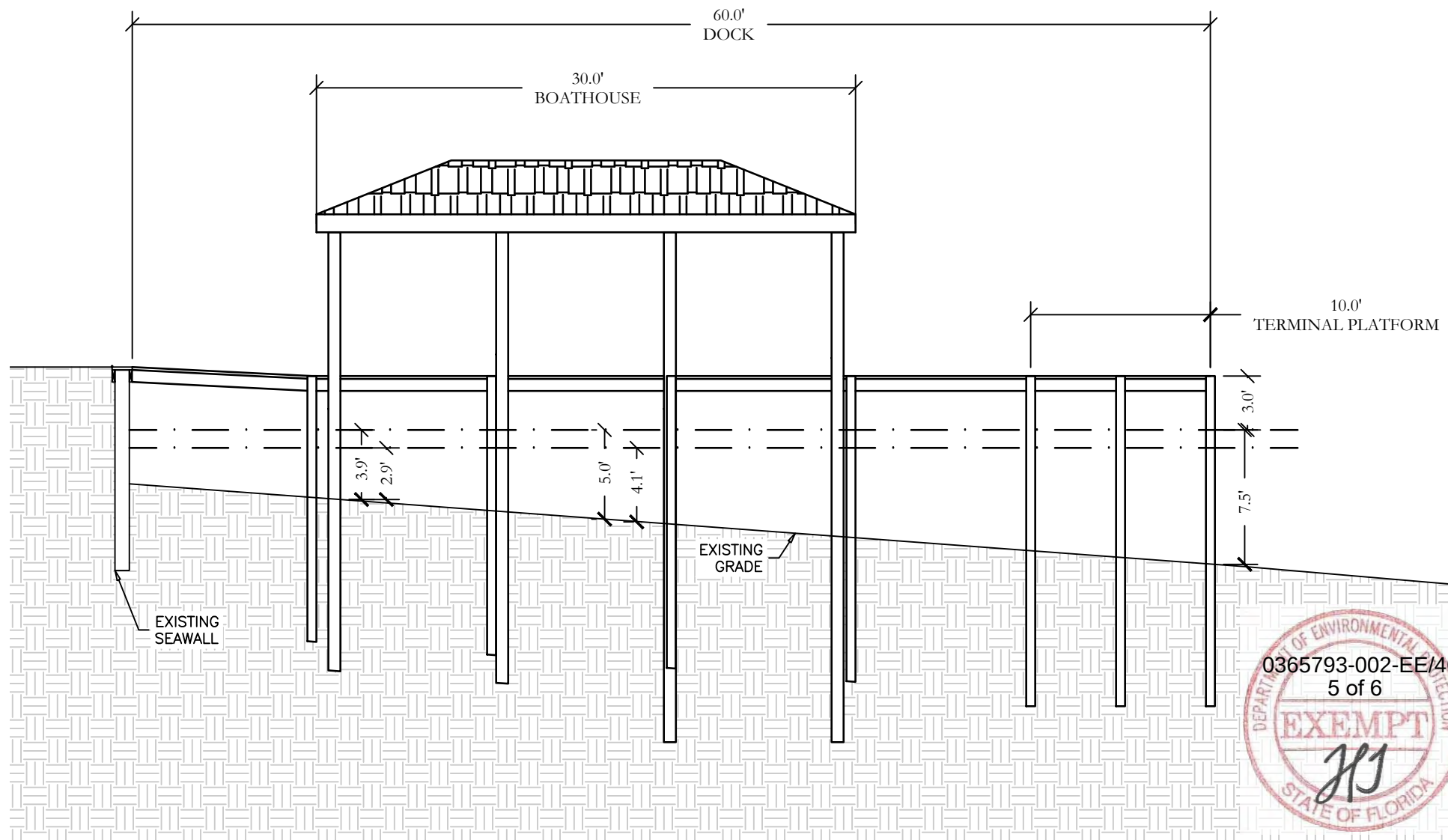
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SHEET: 4

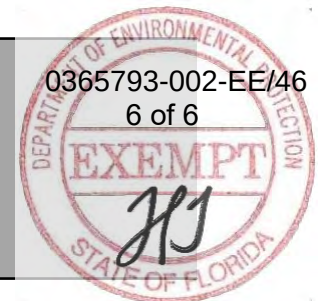
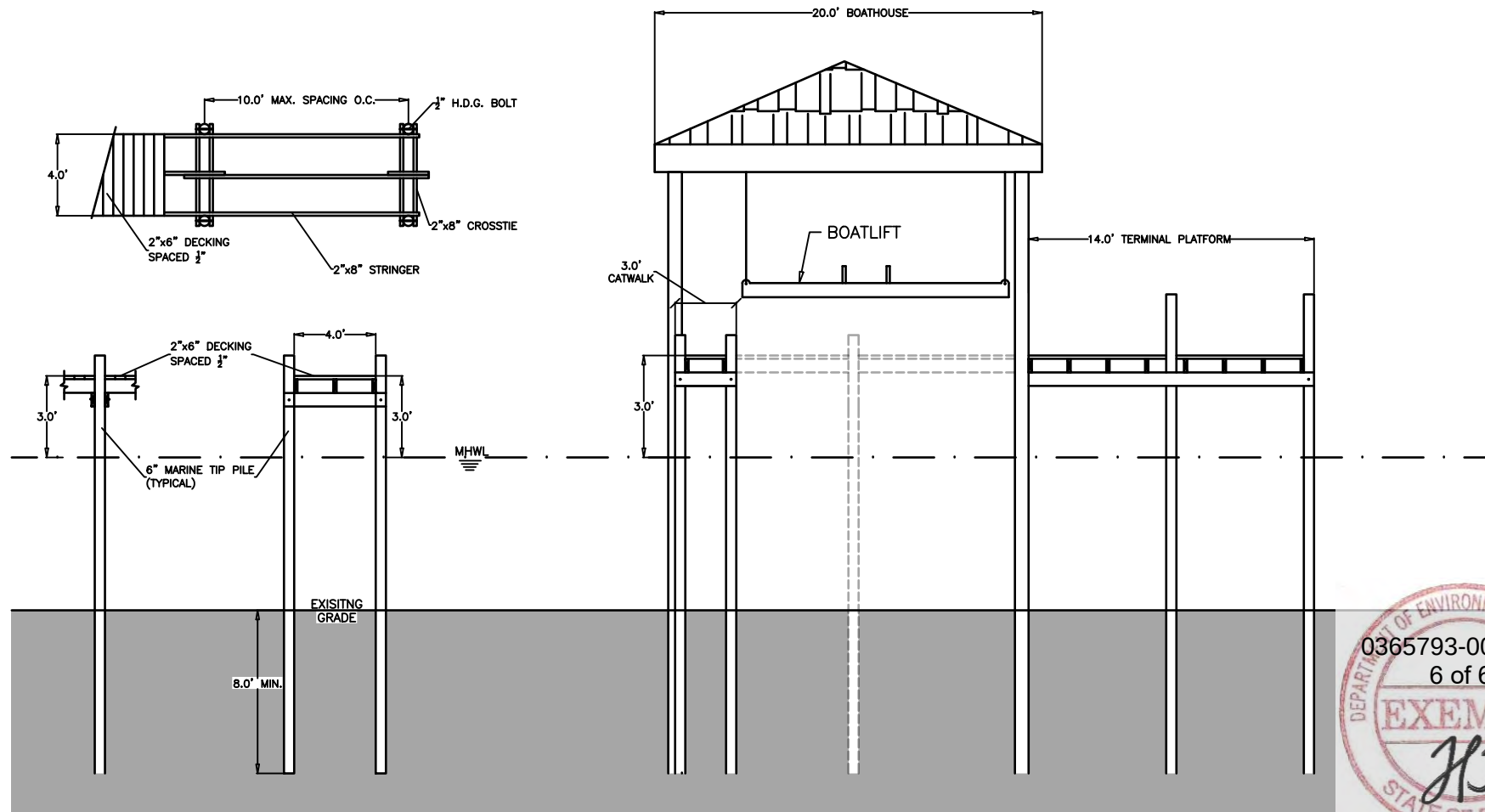


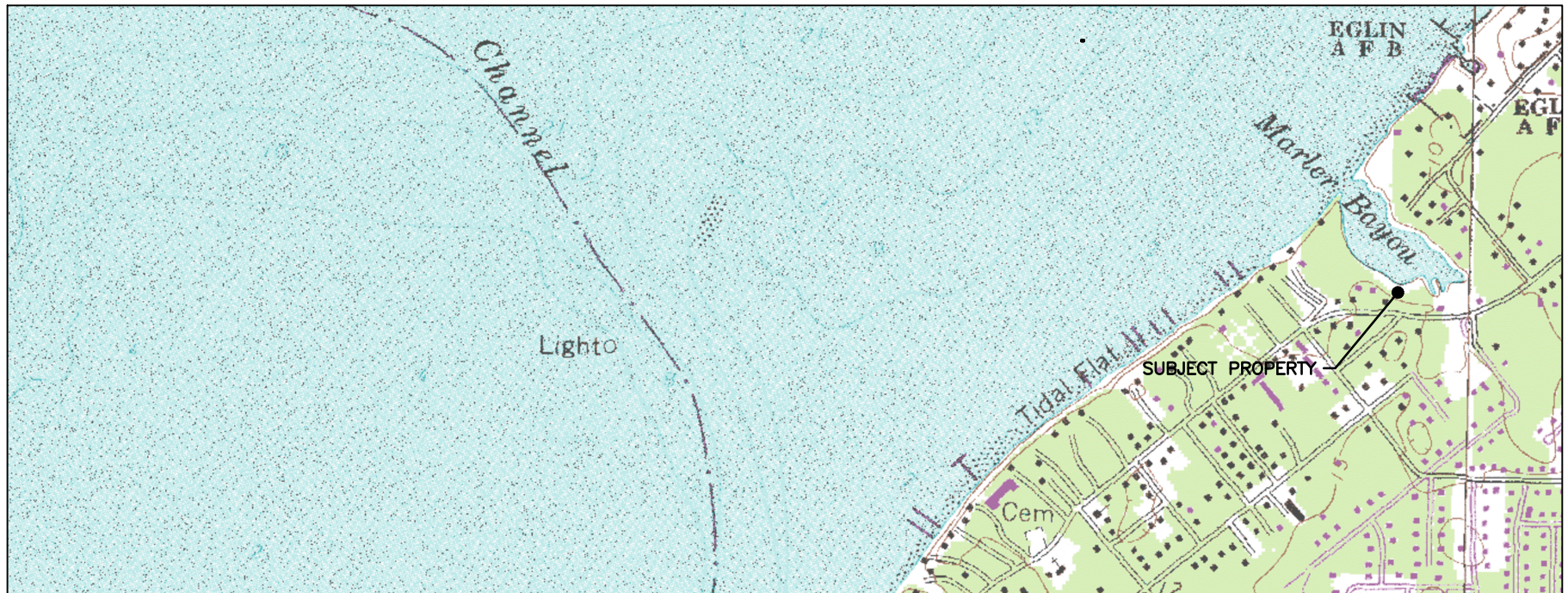
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DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 44.4 MILES. TURN LEFT ONTO CALHOUN AVE. SUBJECT PROPERTY WILL BE LOCATED ON THE LEFT HAND SIDE OF THE ROAD IN ~1 MILE WITH AN ADDRESS OF 437 CALHOUN AVE. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

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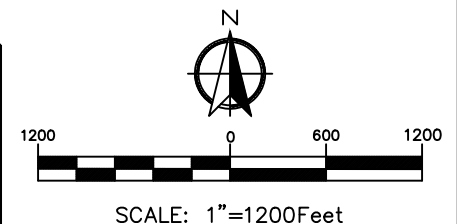
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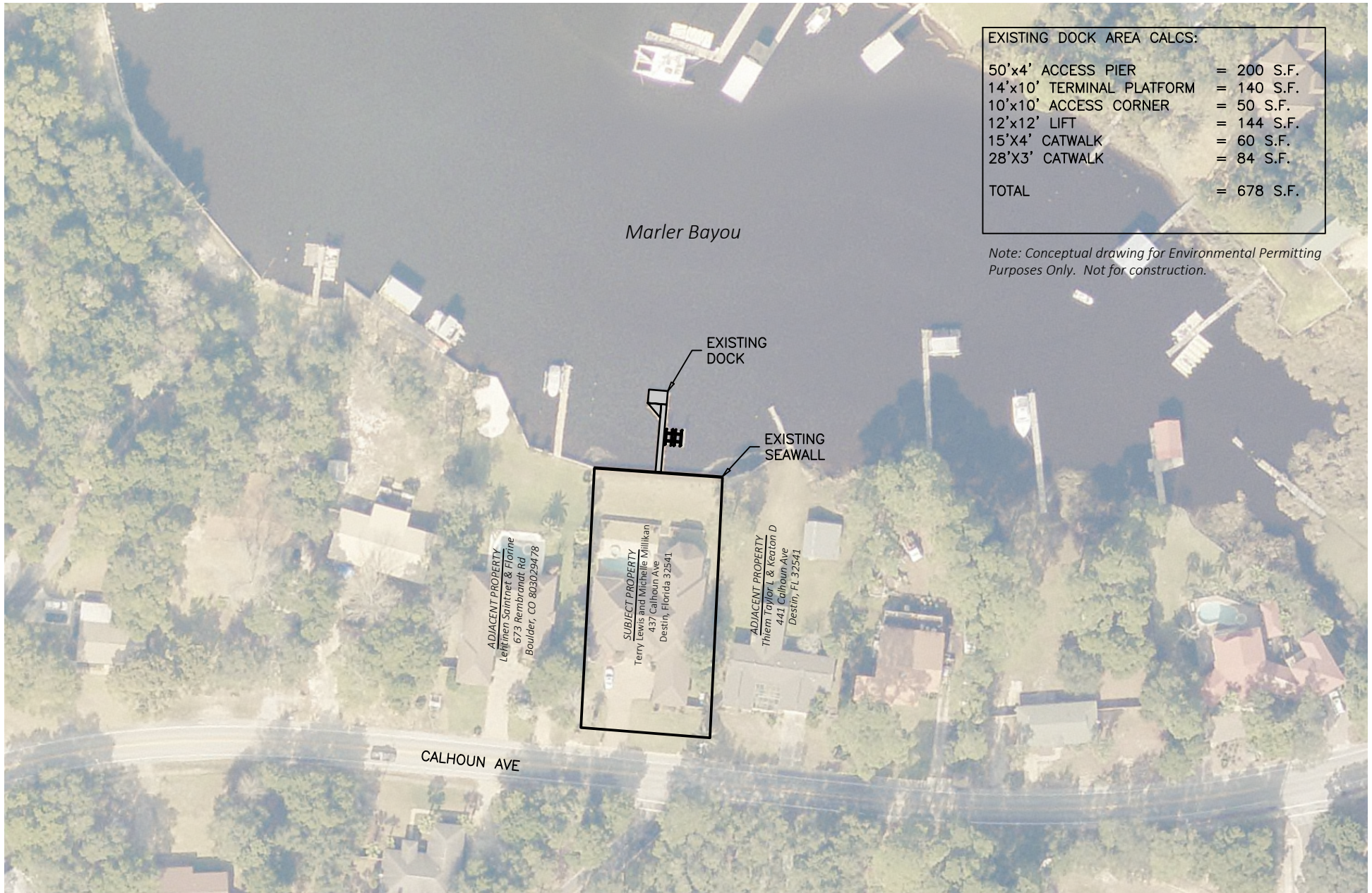
PROJECT NO.: 2018-284

DRAWN BY: KDJ

DATE: 02/26/20

SHEET: 1





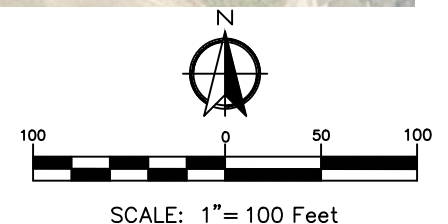
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PROJECT NAME: 437 CALHOUN AVE	
EXISTING CONDITIONS	
PROJECT NO.: 2018-284	
DRAWN BY: KDJ	DATE: 02/26/20
SHEET: 2	



Marler Bayou

APPROXIMATE RIPARIAN LINE

PROPOSED DOCK
W/ BOATHOUSE

APPROXIMATE RIPARIAN LINE

EXISTING SEAWALL
~94 LF

SUBJECT PROPERTY

ADJACENT PROPERTY
Lehtinen Saintnet & Florine
673 Rembrandt Rd
Boulder, CO 803029478

SUBJECT PROPERTY
Terry Lewis and Michelle Millikan
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ADJACENT PROPERTY
Thiem Taylor L & Keaton D
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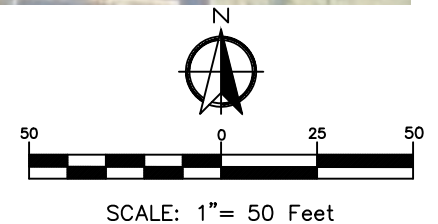
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PROJECT NAME: 437 CALHOUN AVE
PLAN VIEW DEPICTED ONTO AERIAL
PROJECT NO.: 2018-284
DRAWN BY: kdj DATE: 06/21/2018
SHEET: 3



Marler Bayou

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MHWL RUNS ALONG
EXISTING SEAWALL
+/- 97 LF

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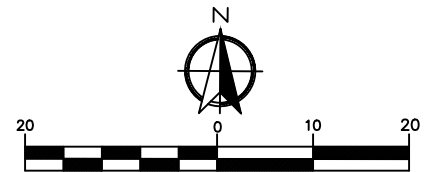
PLAN VIEW

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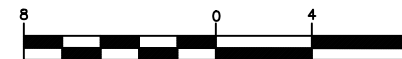
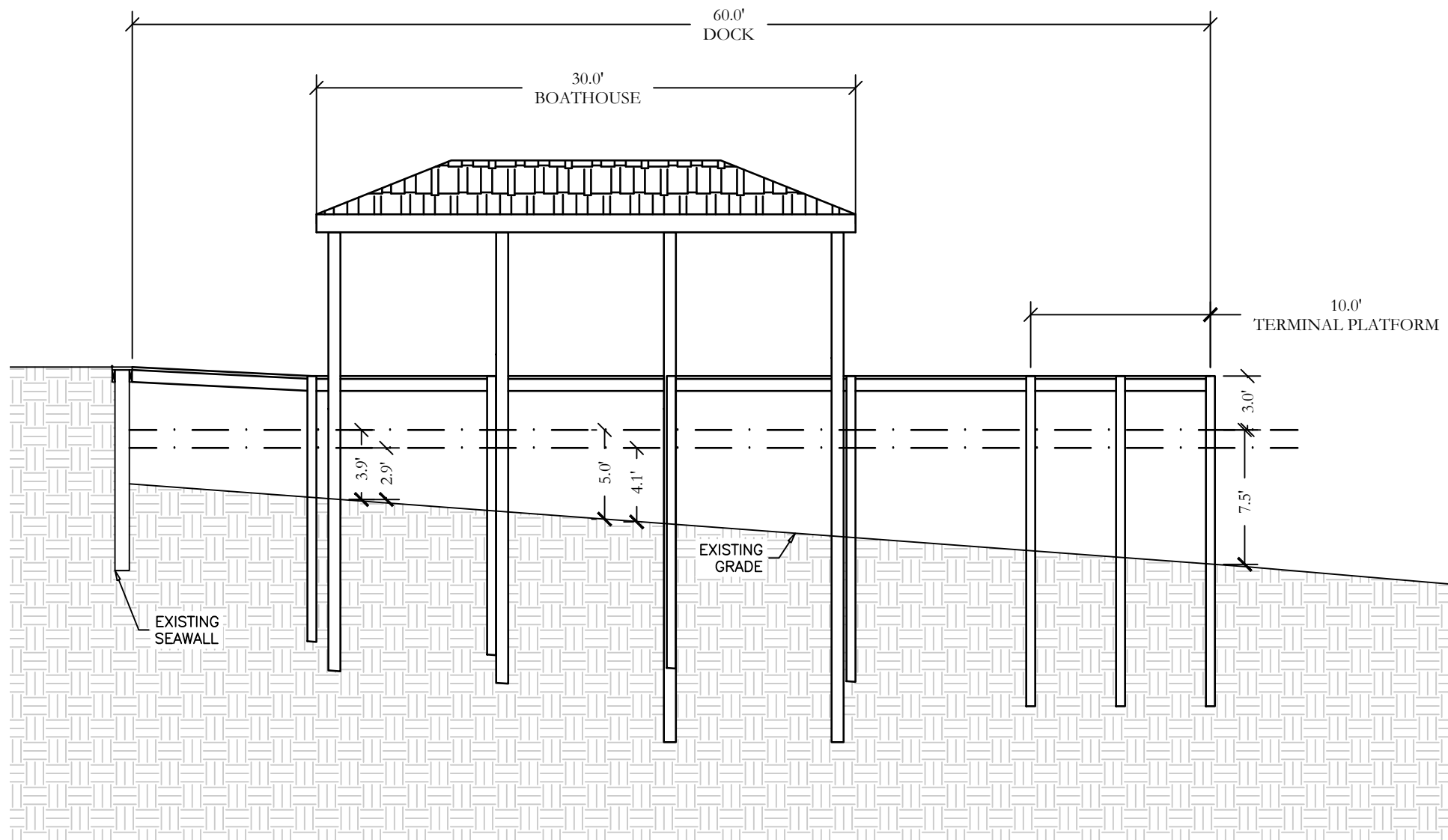
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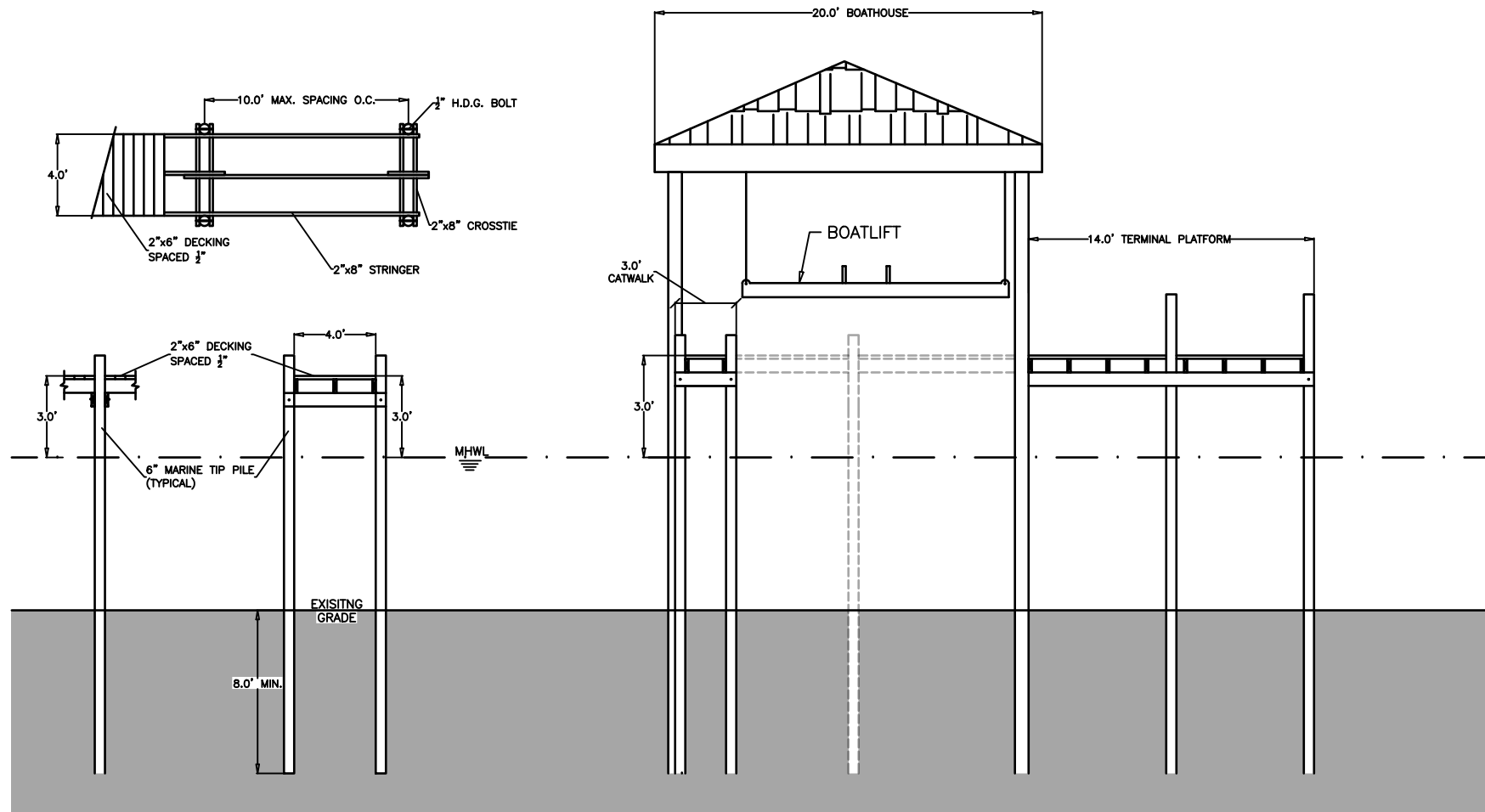


SCALE: 1" = 20 Feet

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS JACKSONVILLE DISTRICT,
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 301
PENSACOLA, FLORIDA 32502

May 19, 2020

Regulatory Division
North Permits Branch
Pensacola Permits Section
SAJ-2020-01172 (RGP-DLI)

Michelle Millikan
437 Calhoun Avenue
Destin, Florida 32541

Dear Ms. Millikan:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on March 20, 2020, the file number SAJ-2020-01172. A review of the information and drawings provided indicates that the proposed work includes additions to an existing dock. The proposed additions will include construction of a 4-foot by 15-foot catwalk, a 3-foot by 28-foot catwalk, and constructing a 15-foot by 24-foot roof over an existing boatlift. The project will affect waters of the United States associated with Marler Bayou. The activities subject to this permit are authorized pursuant to authorities under Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 403). The project is located at 437 Calhoun Avenue, Latitude 30.406047° North, Longitude -86.501579° West, in Section 24, Township 2 South, Range 23 West, Destin, Okaloosa County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Regional General Permit (GP) SAJ-20. This authorization is valid until **March 27, 2023**. Please access the Corps' Jacksonville District Regulatory Division Internet page to view the special and general conditions for SAJ-20, which apply specifically to this authorization. The Internet URL address is:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Once there you will need to click on "Source Book"; and, then click on "General Permits." Then you will need to click on the specific SAJ permit noted above. You must comply with all of the special and general conditions of the permit; and, any project-specific conditions noted below, or you may be subject to enforcement action. The following project-specific conditions are included with this authorization:

The following project-specific conditions are included with this authorization:

1. **Reporting Address:** The Permittee shall submit all reports, notifications, documentation and correspondence required by the general and special conditions of this permit to either (not both) of the following addresses:

- a. For electronic mail (preferred): SAJ-RD-Enforcement@usace.army.mil (not to exceed 15 MB).

- b. For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.

The Permittee shall reference this permit number, SAJ-2020-01172 (RGP-DLI), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the work authorized by this permit the Permittee shall submit a completed "Commencement Notification" Form (Attached).
3. **Self-Certification:** Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the "Self-Certification Statement of Compliance" form. The description of any deviations on the "Self-Certification Statement of Compliance" form does not constitute approval of any deviations by the Corps.
4. **Copy Retention:** All contractors involved in this permitted activity shall be provided copies of this permit in its entirety. A copy shall remain on site at all times during construction.
5. **Regulatory Agency Changes:** Should any other agency require and/or approve changes to the work authorized or obligated by this permit, the Permittee is advised a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Pensacola Permits Section. The Corps reserves the right to fully evaluate, amend, and approve or deny the request for modification of this permit.
6. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if in

the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

7. **Material and Equipment Storage:** No building or fill materials, tools or other equipment shall be stockpiled within waters of the United States.
8. **Posting of Permit:** The Permittee shall have available and maintain for review a copy of this permit and approved plans at the construction site.
9. **Manatee Conditions:** The Permittee agrees to abide by conditions a, b, d, and e of the standard construction conditions designed to protect the endangered West Indian manatee (Conditions c and f have been omitted as they are not currently applicable within the geographic location of the proposed project):

The Permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The Permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or in Vero Beach (1-772-562-3909) for south Florida, and emailed to FWC at ImperiledSpecies@myFWC.com.

10. Jacksonville District Programmatic Biological Opinion (JAXBO), November 2017, Project Design Criteria (PDCs): Structures authorized under this permit must comply with all applicable PDCs, based on the permitted activity, as required by JAXBO. Please note that failure to comply with the applicable PDCs, where a take of listed species occurs, would constitute an unauthorized take, and noncompliance with this permit. The NMFS is the appropriate authority to enforce the terms and conditions of JAXBO. The most current version of JAXBO can be accessed at the Jacksonville District Regulatory Division internet webpage in the Endangered Species section of the Sourcebook located at: <http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx>

Note - JAXBO may be subject to revision at any time. The most recent version of these conditions must be utilized during the design and construction of the permitted work. In accordance with the Endangered Species Act, and for those projects which do not comply with JAXBO, the Corps will seek individual consultation with the NMFS.

Note - some authorized activities may deviate from the PDCs. In cases, where the activity (i.e., structure dimensions, length, etc.) deviates from the PDCs, the permit drawings shall supersede the PDCs.

For each of the following authorized activities subject of this permit, the permittee shall adhere to the following PDCs, which are attached to, and made part of, this authorization/verification letter:

Activity 2 - Pile-supported Structures and Anchored Buoys: (AP.1-14; A2.1-16; S.1; S.2; S.4)

11. Cultural Resources/Historic Properties:

a. No structure or work shall adversely affect impact or disturb properties listed in the National Register of Historic Places (NRHP) or those eligible for inclusion in the NRHP.

b. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

c. Additional cultural resources assessments may be required of the permit area in the case of unanticipated discoveries as referenced in accordance with the above Special Condition ; and if deemed necessary by the SHPO, THPO(s), or Corps, in accordance with 36 CFR 800 or 33 CFR 325, Appendix C (5). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume on non-federal lands without written authorization from the SHPO for finds under his or her jurisdiction, and from the Corps.

d. In the unlikely event that unmarked human remains are identified on non-federal lands, they will be treated in accordance with Section 872.05 Florida Statutes. All work and ground disturbing activities within a 100-meter diameter of the unmarked human remains shall immediately cease and the Permittee shall immediately notify the medical examiner, Corps, and State Archeologist within the same business day (8-hours). The Corps shall then notify the appropriate SHPO and THPO(s). Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7. Such activity shall not resume without written authorization from the State Archeologist and from the Corps.

12. Daylight Hours: All activities must be completed during daylight hours.

13. Turbidity Barriers: Prior to the initiation of any of the work authorized by this permit, the Permittee shall install floating turbidity barriers with weighted skirts that extend to within define distance desired or use 1 foot or eliminate distance from bottom of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all suspended and erodible materials have been stabilized. Turbidity barriers shall be removed upon stabilization of the work area.

This authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this RGP permit must qualify for an exemption under section 403.813(1), F.S. or 373.406, F.S., or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, F.S., by the Department of Environmental Protection, a water management district under section 373.069, F.S., or a local government with delegated authority under section 373.441, F.S., and receive Water Quality Certification (WQC) and applicable Coastal Zone Consistency Concurrence (CZCC) or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (<http://www.myfwc.com/license/wildlife/>) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (<http://www.fnai.org/>) also maintains updated lists, by county, of documented occurrences of those species.

This authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

Please note U.S. Coast Guard regulations may require you as Permittee to provide information for a Notice to the maritime community regarding your project. You should contact the Coast Guard Sector Mobile Waterways Management Branch (spw), 1500 15th Street, Mobile, AL 36615 or by phone at 251-441-5684 to determine if a Notice is necessary. Also any safety lights, signs and signals prescribed by the U.S. Coast Guard through their regulations or otherwise, must be installed and maintained at your expense as permittee on authorized facilities in navigable waters of the United States. To receive a U.S. Coast Guard Private Aids to Navigation marking determination, you are advised to contact the Eighth Coast Guard District (dpw), 500 Poydras St. Suite 1230, New Orleans, LA 70130, 504-671-2328 or via email to: D8oanPATON@uscg.mil prior to installation/construction of any fixed structures. For general information related to Private Aids to Navigation please visit the Eighth CG District web site at: <http://www.atlanticarea.uscg.mil/district-8/district-divisions/waterways/PATON>

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above RGP, please contact Daniel Irick by telephone at 850-433-8732.

Thank you for your cooperation with our permit program. The Corps' Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to complete our automated Customer Service Survey at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. Please be aware this Internet address is case sensitive; and, you will need to enter it exactly as it appears above. Your input is appreciated – favorable or otherwise.

Sincerely,

A handwritten signature in black ink that reads "Daniel L. Irick". The signature is written in a cursive, flowing style.

Daniel L. Irick, Ph.D., PWS
Project Manager

Enclosures:

General Conditions

Permit Transfer Form

Self-Certification Statement of Compliance Form

Commence Notification Form

PDCs for In-Water Activities

Permit Drawings

cc:

Wetland Sciences, Inc. c/o Keith Johnson

GENERAL CONDITIONS
33 CFR PART 320-330

1. The time limit for completing the work authorized ends on the **March 27, 2023**.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2020-01172 (RGP-DLI)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019 or by electronic mail at saj-rd-enforcement@usace.army.mil.

(TRANSFEREE-SIGNATURE)

(SUBDIVISION)

(DATE)

(LOT)

(BLOCK)

(NAME-PRINTED)

(STREET ADDRESS)

(MAILING ADDRESS)

(CITY, STATE, ZIP CODE)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

*Within sixty (60) days of completion of the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. **Department of the Army Permit Number:** SAJ-2020-01172 (RGP-DLI)

2. **Permittee Information:** Name: _____

Email: _____

Address: _____

Phone: _____

3. **Date Authorized Work Started:** _____ **Completed:** _____

4. **Contact to Schedule Inspection:** Name: _____

Email: _____

Phone: _____

5. **Description of Authorized Work (e.g. bank stabilization, fill placed within wetlands, docks, dredging, etc.):** _____

6. **Acreage or Square Feet of Impacts to Waters of the United States:** _____

7. **Describe Mitigation completed (if applicable):** _____

8. **Describe any Deviations from Permit (attach drawing(s) depicting the deviations):**

I certify that all work and mitigation (if applicable) was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

Signature of Permittee

Printed Name of Permittee

Date

Dated 9/18/2019

COMMENCEMENT NOTIFICATION

*Within ten (10) days of initiating the authorized work, submit this form via electronic mail to saj-rd-enforcement@usace.army.mil (preferred, not to exceed 15 MB) **or** by standard mail to U.S. Army Corps of Engineers, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232-0019.*

1. Department of the Army Permit Number: SAJ-2020-01172 (RGP-DLI)

2. Permittee Information:

Name: _____

Email: _____

Address: _____

Phone: _____

3. Construction Start Date: _____

4. Contact to Schedule Inspection:

Name: _____

Email: _____

Phone: _____

Signature of Permittee

Printed Name of Permittee

Date

Project Design Criteria (PDCs) Applicable to All Projects

NOTE - You are required to comply with the following PDCs, which serve to address requirements pursuant to Section 7, Endangered Species Act (ESA) for those listed species and designated critical habitat under purview of the National Marine Fisheries Service Protected, Resources Division. These PDCs are taken from the Programmatic Biological Opinion (PBO) referred to as JaxBO. These criteria serve to address ESA requirements only, and additional conditions may be required to address other Federal laws, including the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act. Authorization under this permit is conditional upon your compliance with all applicable PDCs, which are made part of this permit. You are reminded that you must complete the attached self-certification statement of compliance following completion of the authorized work. Your statement of compliance does not obviate the need to satisfy all PDCs, including those requirements (e.g., such as structural dimensions and educational signs) that are observable post-construction, and those requirements (e.g., construction methods or procedures to be followed) that are not observable post-construction. Please note that failure to comply with the applicable PDCs of this PBO, where a take of the listed species occurs, would constitute an unauthorized take, and it would also constitute noncompliance with this permit. The NMFS is the appropriate authority to determine compliance with the terms and conditions of this PBO.

AP.1. The applicant must agree to adhere to PDCs for *In-Water Activities* (provided below).

AP.2. All projects involving the installation of piles or sheet piles shall follow the PDCs for *In-Water Noise from Pile and Sheet Pile Installation* (Section 2.2). This Opinion does not cover projects that use seismic surveys, low frequency sonar, explosions, and seismic air guns.

AP.3. All projects proposed in or near areas with mangroves, seagrasses, corals, or hard bottom habitat must refer to PDCs for *Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects* (provided below) to determine whether the project is covered under the Opinion and, if it is covered, to ensure it is sited, designated, and implemented following all of the PDCs in that section.

AP.4. For every project, the USACE must determine if the project is located within:

- a) Smalltooth sawfish critical habitat limited exclusion zones (Section 2.1.1.1)
- b) Gulf sturgeon critical habitat migratory restriction zones (Section 2.1.1.2)
- c) Atlantic sturgeon critical habitat exclusion zone (St. Marys River) (Section 2.1.1.3)
- d) North Atlantic right whale educational sign zones (Section 2.1.1.4)
- e) U.S. Caribbean sea turtle critical habitat restriction zones (Section 2.1.1.5)
- f) Bryde's whale exclusion zone (Section 2.1.1.6)

Where the activity is excluded from the Opinion within a particular zone, the application must be processed under a separate consultation. Where additional restrictions apply to activities within that zone, the USACE or other authorizing entity must ensure that the project meets the requirements for that zone.

AP.5. This Opinion only covers new construction (i.e., installation, repair, replacement) and does not apply to after-the-fact consultations or enforcement actions handled by the Corps.

AP.6. All activities must be completed during daylight hours.

Project Design Criteria (PDCs) for In-Water Activities

AP.7. Education and Observation: The permittee must ensure that all personnel associated with the project are instructed about the potential presence of species protected under the ESA and the Marine Mammal Protection Act (MMPA). All on-site project personnel are responsible for observing water-related activities for the presence of protected species. All personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing ESA-listed species or marine mammals. To determine which species may be found in the project area, please review the relevant Protected Species List at:

http://sero.nmfs.noaa.gov/protected_resources/section_7/threatened_endangered/index.html

AP.8. Reporting Interactions with Protected Species:

- a) Any collision(s) with and/or injury to any sea turtle, sawfish, whale, or sturgeon occurring during the construction of a project, shall be reported immediately to NMFS's Protected Resources Division (PRD) at (1-727-824-5312) or by email to: takereport.nmfs@noaa.gov and SAJ-RD-Enforcement@usace.army.mil.
- b) Smalltooth sawfish: Report sightings to 1-844-SAWFISH or email: Sawfish@MyFWC.com
- c) Sturgeon: Report dead sturgeon to 1-844-STURG 91 (1-844-788-7491) or email: nmfs.ser.sturgeonnetwork@noaa.gov
- d) Sea turtles and marine mammals: Report stranded, injured, or dead animals to 1-877-WHALE HELP (1-877-942-5343).
- e) North Atlantic right whale: Report injured, dead, or entangled right whales to the USCG via VHF Channel 16.

AP.9. Vessel Traffic and Construction Equipment: All vessel operators must watch for and avoid collision with species protected under the ESA and MMPA. Vessel operators must avoid potential interactions with protected species and operate in accordance with the following protective measures:

- a) *Construction Equipment*:
 - i) All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while operating in water depths where the draft of the vessel provides less than a 4-foot (ft) clearance from the bottom, and in all depths after a protected species has been observed in and has departed the area.
 - ii) All vessels will follow marked channels and/or routes using the maximum water depth whenever possible.
 - iii) Operation of any mechanical construction equipment, including vessels, shall cease immediately if a listed species is observed within a 50-ft radius of construction equipment and shall not resume until the species has departed the area of its own volition.
 - iv) If the detection of species is not possible during certain weather conditions (e.g., fog, rain, wind), then in-water operations will cease until weather conditions improve and detection is again feasible.

- b) *All Vessels:*
- i) Sea turtles: Maintain a minimum distance of 150 ft.
 - ii) North Atlantic right whale: Maintain a minimum 1,500-ft distance (500 yards).
 - iii) Vessels 65 ft in length or longer must comply with the Right Whale Ship Strike Reduction Rule (50 CFR 224.105) which includes reducing speeds to 10 knots or less in Seasonal Management Areas (<http://www.fisheries.noaa.gov/pr/shipstrike/>).
 - iv) Mariners shall check various communication media for general information regarding avoiding ship strikes and specific information regarding right whale sightings in the area. These include NOAA weather radio, USCG NAVTEX broadcasts, and Notices to Mariners.
 - v) Marine mammals (i.e., dolphins, whales [other than North Atlantic right whales], and porpoises): Maintain a minimum distance of 300 ft.
 - vi) When these animals are sighted while the vessel is underway (e.g., bow-riding), attempt to remain parallel to the animal's course. Avoid excessive speed or abrupt changes in direction until they have left the area.
 - vii) Reduce speed to 10 knots or less when mother/calf pairs or groups of marine mammals are observed, when safety permits.

- AP.10. Turbidity Control Measures during Construction:** Turbidity must be monitored and controlled. Prior to initiating any of the work covered under this Opinion, the Permittee shall install turbidity curtains as described below. In some instances, the use of turbidity curtains may be waived by the USACE project manager if the project is deemed too minimal to generate turbidity (e.g., certain ATON installation, scientific survey device placement, marine debris removal) or if the current is too strong for the curtains to stay in place. Turbidity curtains specifications:
- a) Install floating turbidity barriers with weighted skirts that extend to within 1 ft of the bottom around all work areas that are in, or adjacent to, surface waters.
 - b) Use these turbidity barriers throughout construction to control erosion and siltation and ensure that turbidity levels within the project area do not exceed background conditions.
 - c) Position turbidity barriers in a way that does not block species' entry to or exit from designated critical habitat.
 - d) Monitor and maintain turbidity barriers in place until the authorized work has been completed and the water quality in the project area has returned to background conditions.
 - e) In the range of ESA-listed corals (St. Lucie Inlet, Martin County south to the Dry Tortugas and the U.S. Caribbean) and Johnson's seagrass (Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida):
 - i. Projects that include upland earth moving (e.g., grading to install a building or parking lot associated with a dock and seawall project), must install sediment control barriers to prevent any upland sediments from reaching estuarine or marine waters.
 - ii. The turbidity curtain requirement cannot be waived for any project that moves or removes sediment (e.g., dredging, auger to create a pile, trenching to install a cable

line). If turbidity curtains are not feasible in an area based on site conditions such as water current, high wave action, or stormy conditions, the project must undergo individual Section 7 consultation and is not covered under this Programmatic Opinion.

AP.11. Entanglement: All turbidity curtains and other in-water equipment must be properly secured with materials that reduce the risk of entanglement of marine species (described below). Turbidity curtains likewise must be made of materials that reduce the risk of entanglement of marine species.

- a) In-water lines (rope, chain, and cable, including the lines to secure turbidity curtains) must be stiff, taut, and non-looping. Examples of such lines are heavy metal chains or heavy cables that do not readily loop and tangle. Flexible in-water lines, such as nylon rope or any lines that could loop or tangle, must be enclosed in a plastic or rubber sleeve/tube to add rigidity and prevent the line from looping and tangling. In all instances, no excess line is allowed in the water.
- b) Turbidity curtains and other in-water equipment must be placed in a manner that does not entrap species within the construction area or block access for them to navigate around the construction area.

Project Design Criteria (PDCs) for Mangroves, Seagrasses, Corals and Hard Bottom for All Projects

Note: **For projects authorized in reliance on this Opinion only**, the PDCs below supercede any other guidance documents otherwise applicable to reduce or avoid impacts to mangroves, seagrasses, and corals. This includes the NMFS's *Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation, Marsh, or Mangrove Habitat* dated August 2001, and NMFS's *Key for Construction Conditions for Docks or Other Minor Structures Constructed in or over Johnson's Seagrass (Halophila johnsonii)*, dated October 2002. NMFS may still apply these guidance documents in other consultations, including consultations on Essential Fish Habitat under the Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

AP.12. Mangroves:

- a) To qualify for coverage under this Opinion, all projects must be sited and designed to avoid or minimize impacts to mangroves.
- b) Mangrove removal must be conducted in a manner that avoids any unnecessary removal and is limited to the following instances:
 - i. Removal to install up to a 4-ft-wide walkway for a dock.
 - ii. Removal to install up to an 8-ft-wide walkway for public docks, where the walkway is necessary to address compliance with the Americans with Disability Act (ADA).
 - iii. Removal to install culverts necessary to improve water quality or restore hydrology between 2 water bodies. Such mangrove removal is limited to a maximum of 20 linear feet (lin ft) of shoreline per culvert opening.
 - iv. Removal of mangroves above mean high water (MHW) provided that the tree does not have any prop roots that extend into the water below the MHWL.
- c) Mangrove Trimming. Mangrove trimming is regulated by FDEP, Puerto Rico Department of Natural and Environmental Resources, and U.S. Virgin Islands Department of Planning and Natural Resources. Consistent with those authorities, when used in this Opinion, mangrove trimming refers to the removal (using hand equipment such as chain saws and/or machetes) of lateral branches (i.e., no alteration of the trunk of the tree) in a manner that ensures survival of the tree. This Opinion does not limit or supersede any restrictions on mangrove removal required under any federal, state, or local law.
 - i. This Opinion only covers projects with associated mangrove trimming occurring waterward of MHW if such trimming (1) occurs within the area where the authorized structures are placed or will be placed (e.g., removal of branches that overhang a dock),
 - ii. (2) is necessary to provide temporary construction access, and (3) is conducted in a manner that avoids any unnecessary trimming.

- iii. The Opinion does not apply to projects proposing to remove red mangrove props roots waterward of MHW, except for removal to install the dock walkways, as described above (up to a 4-ft walkway and up to a 8-ft ADA compliant walkway) and to install culverts necessary to improve water quality or restore hydrology between 2 water bodies.

AP.13. Seagrass:

- a) Pile-supported structures must follow the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2)

Johnson's seagrass:

- b) This Opinion does not apply to projects where Johnson's seagrass is found within the project footprint except for:
 - i. Installation of pile-supported structures that meet the PDCs for *Docks or Other Minor Structures* (PDC A2.17, Section 2.2.2).
 - ii. Maintenance dredging of previously authorized areas. This is limited to the removal of no more than 0.1 acre (ac) (4,356 ft²) of Johnson's seagrass per year (Activity 3; see Section 2.2.3).
 - iii. Transmission/utility line repairs within the same footprint of the lines being repaired (Activity 8; see Section 2.2.8).

Non-listed seagrasses:

- a) All impacts to non-ESA listed native, non-invasive seagrasses should be avoided and minimized to the extent practicable.
- b) This Opinion does not apply to projects located within the geographic boundary of U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat identified in Section 2.1.1.5) if non-ESA listed, native, non-invasive seagrasses are found within the project footprint.
- c) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- d) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.

AP.14. Coral and Hard Bottom Habitat:

- a) This Opinion does not apply to projects that may affect, directly or indirectly, ESA-listed corals.
- b) Projects occurring within in the Florida Keys National Marine Sanctuary (FKNMS) may require separate consultation or authorization from NOAA's FKNMS. Projects authorized to occur in the FKNMS shall comply with any measures NOAA FKNMS has developed to avoid, minimize, and/or mitigate any effects on non-listed corals. For projects occurring outside of the FKNMS, if non-listed corals are found within the project footprint, we recommend relocating all non-listed corals, when possible, in a manner that is protective of the corals.
- c) This Opinion does not apply to projects where hard bottom habitat is found within the project footprint, except for the temporary placement (up to 24 months) of scientific survey devices (Activity 5) that have a footprint of less than 1 square foot (ft²) per device and are installed in a manner that does not permanently alter the hardbottom (e.g., the devices are not installed by drilling). For this Opinion, we define hard bottom in 2 ways:
 - i. Natural consolidated hard substrate that is suitable to support corals, coral larval settlement, reattachment and recruitment of asexual coral fragments. These areas of hard bottom or dead coral skeleton must be free from fleshy or turf macroalgae cover and sediment cover.
 - ii. Nearshore and surf-zone, low-profile hard bottom outcroppings (e.g., worm-rock reef [sabellariid worm reefs] and eolianite, granodiorite). This habitat can be persistent or ephemeral, cycling through periods of exposure and cover by sand. The range of this hard bottom habitat extends along the southeastern coast of Florida from Cape Canaveral to Miami-Dade County and in the U.S. Caribbean. It is an important developmental habitat for juvenile hawksbill and green sea turtles, which use it for both foraging and refuge.

Project Design Criteria (PDCs) Specific to Activity 2 for Pile-Supported Structures and Anchored Buoys

A2.1. Activities covered by this Opinion include the installation, repair, replacement, and removal of structures as described below:

- A2.1.1. The pile-supported and anchored structures included in this Opinion are: docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating docks; pile-supported chickees (i.e., small, back-country, over-water, pile-supported, primitive camping shelters); boardwalks (as long as they are designed and clearly marked to prohibit fishing and vessel mooring); mooring fields and buoys; and other minor pile-supported structures. This does not include structures that support large commercial vessels including ferries, tankers, and cargo ships such as ferry terminals and large ports.
- A2.1.2. Pile-supported docks/piers for a single-family residential lot are limited to 4 slips for motorized vessels. Slips for non-motorized vessels (e.g., kayak, canoe, and paddleboard) and associated launching areas do not count toward the total slip number.
- A2.1.3. Pile-supported structures for marinas, multi-family facilities (e.g., condo complexes, trailer parks, subdivisions when the homeowners association owns and controls the in-water structures). Docks and piers for multi-family residential properties (e.g., condos, trailer parks, apartment complexes), and marinas are limited to a maximum of 50 total slips (i.e., combination of wet and dry slips for existing plus proposed slips).
- A2.1.4. Anchored buoys and temporary pile-supported structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and ESA-listed coral colonies when transiting to the mooring areas. There is no limit on the number of vessel slips allowed for temporary structures associated marine events such as boat shows.
- A2.1.5. Mooring fields are limited to a maximum of 50 motorized vessels (there is no limit on the number of non-motorized vessels).
- A2.1.6. All pile-supported structures constructed must comply with PDC 2.17 for *Docks or Other Minor Structures Constructed in Florida Under this Opinion* (see below).

The following PDCs apply to all the activities described in PDC A2.1 above:

A2.2. For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at:

(http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html). The signs required to be posted by area are stated below:

- A2.2.1. All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine

- mammal stranding networks and smalltooth sawfish encounter database.
- A2.2.2. Projects within the North Atlantic right whale educational sign zone (as defined in Section 2.1.1.4) shall post the Help Protect North Atlantic Right Whales sign.
- A2.2.3. On the east coast of Florida, projects located within the St. John's River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
- A2.2.4. We are still developing the signs to be used in the U.S. Caribbean. Once developed, those signs will be included at the website above.

A2.3. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:

- A2.3.1. Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
- A2.3.2. Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.

A2.4. For any dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat (as measured in a radius from the center of the nearest inlet to open ocean and described in Section 2.1.1.4), the property owner will be provided a handout with their USACE permit describing the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales (Appendix C).

A2.5. ATONs and PATONs must be approved by and installed in accordance with the requirements of the USCG (see 33 CFR, chapter I, subchapter C, part 66 and RHA Section 10 and any other pertinent requirements).

A2.6. Chickees must be less than 500 ft² and support no more than 2 slips.

A2.7. No activities associated with municipal or commercial fishing piers are covered under this Opinion.

A2.8. Docks installed within visible distance of ocean beaches are required to comply with turtle-friendly lighting, if lighting is necessary to the project. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website:
<http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/>

A2.9. Project construction will take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited.

Additional PDCs for Activity 2 applicable in Critical Habitat

- A2.10.** *Acropora* critical habitat and the U.S. Caribbean: This Opinion does not cover new and expanded pile-supported structures in *Acropora* critical habitat where the essential features are present. The distance from ATONs to ESA-listed corals and *Acropora* critical habitat shall ensure there are no impacts to the corals or the essential feature of *Acropora* critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom.
- A2.11.** Gulf sturgeon critical habitat: Additional noise restrictions are required for pile and sheet pile installation in the Gulf sturgeon critical habitat migratory restriction zones defined in Section 2.1.1.2. The noise restrictions are described in that section.
- A2.12.** Smalltooth sawfish critical habitat: This Opinion does not cover activities occurring in areas identified as smalltooth sawfish limited exclusion zones defined in Section 2.1.1.1.
- A2.13.** North Atlantic right whale critical habitat: This Opinion does not cover installation of anchored ATONs and permanent buoys in North Atlantic right whale critical habitat; temporary buoys for marine events are allowed in North Atlantic right whale critical habitat.
- A2.14.** Johnson's seagrass critical habitat: This Opinion does not cover new marinas or multi-family facilities in Johnson's seagrass critical habitat. Repair, replacement, and reconfiguration of existing marinas or multi-family facilities may be covered if it (1) occurs within same overall footprint (out to the perimeter of the facility, including the outer limits of the structure and permitted mooring locations), (2) does not increase the total aerial extent (i.e., area of coverage from the dock structures) of the existing facility, and (3) does not affect Johnson's seagrass. Mooring fields are allowed in Johnson's seagrass critical habitat and within the range of Johnson's seagrass so long as they occur in waters deeper than -13 ft (-4 m).
- A2.15.** NWA DPS of loggerhead sea turtle critical habitat: ATONs (pile-supported and anchored buoys) are allowed in nearshore reproductive habitat of the NWA DPS of loggerhead sea turtles under this Opinion. No other pile-supported structures are allowed in nearshore reproductive habitat under this Opinion.
- A2.16.** U.S. Caribbean sea turtle critical habitat (hawksbill, leatherback, and the NA DPS of green sea turtle critical habitat): ATONs (pile-supported and anchored buoys) are allowed near sea turtle nesting beaches under this Opinion. No other pile-supported structures are allowed near sea turtle nesting beaches under this Opinion.

Project Design Criteria (PDCs) for Docks or Other Minor Structures (PDC A2.17)

These PDCs address the anticipated dock construction scenarios expected within Florida and the U.S. Caribbean and provide NMFS PRD's construction guidelines for projects occurring (1) within Johnson's seagrass critical habitat; (2) within the range of Johnson's seagrass¹⁸, but outside of Johnson's seagrass critical habitat; and (3) outside of both the range and critical habitat for Johnson's seagrass. These scenarios consider whether a seagrass survey was conducted for projects within the range of Johnson's seagrass or located in Johnson's seagrass critical habitat. Surveys must be completed no earlier than 1 year before submitting the application to the action agency for project authorization. There is no seasonal restriction for Johnson's seagrass surveys; however, Johnson's seagrass is found within the range of other seagrass species that exhibit a seasonal pattern of growth and distribution. For comparison, NMFS Habitat Conservation Division's recommended sampling window for non-listed species is June 1 to September 30.

Dock Construction Scenarios

	Within Johnson's seagrass critical habitat	Within the Range of Johnson's seagrass (outside of critical habitat)	In the U.S. Caribbean and Florida (outside of the range and critical habitat of Johnson's seagrass)
Dock replacement in the exact footprint (i.e., same location/configuration/ size) as the previous dock with...			
No native seagrass under dock	A	A	A
Johnson's seagrass under dock	B	B	N/A
Native seagrass, other than Johnson's seagrass, under the dock	B	A	A
No current seagrass survey	B	B	A
New docks or dock expansions with...			
No native seagrasses within property limits	B	A	A
Johnson's seagrass within property limits	B	B	N/A
Native seagrass, other than Johnson's seagrass, within property limits	B	A	A
No current seagrass survey	B	B	A

A= No additional PDCs; B= Dock must meet PDCs below; N/A = not applicable; Johnson's seagrass could not occur under the dock because the dock project is outside the range of Johnson's seagrass

Dock PDCs for Scenario B in the table above:

1. To avoid and minimize impacts to Johnson's seagrass and native, non-listed seagrasses to the maximum extent practicable:
 - The dock must be positioned to avoid and minimize effects to Johnson's seagrass
 - Over any area that contains Johnson's seagrass or native, non-listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
 - If practicable, terminal platforms shall be placed in deep water, waterward of Johnson's seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson's seagrass or native, non-listed seagrasses.
 - Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
 - Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
 - No covered boat lifts are allowed over any Johnson's seagrass.
2. Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:

Grated decking:

- Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft². Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
- Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.

Plank decking:

- Height requirement: The surface of the structure, including the dock walkway (the over-water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
- Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft². Marginal docks are limited to a width of 5 ft.
- Material description: Deck boards may be constructed of any material. Deck boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.

Project Design Criteria (PDCs) for Gulf Sturgeon Critical Habitat Migratory Restriction Zones

1. This Opinion does not apply to the placement of living shoreline, oyster reef, and artificial reef materials (Activity 7, PDC A7.26) and temporary platform, fill, and cofferdams (Activity 10, PDC A10.11) in Gulf sturgeon critical habitat migratory restriction zones.
2. This Opinion does not apply to new transmission and utility line installation in the Gulf sturgeon critical habitat migratory restriction zones between September and March, when sturgeon are likely to be present in these areas. Emergency repair/replacement of transmission and utility lines may occur in these areas during this time frame if the work is conducted without the use of heavy in-water equipment (e.g., dredging equipment) (Activity 8, PDC A8.10).
3. This Opinion does not apply to the installation of metal piles and metal sheet piles by impact hammer in the areas identified as Gulf sturgeon critical habitat migratory restriction zones.
4. The allowable pile and sheet pile driving activities vary depending on the width of the project action area, as described below.
5. Areas that are 0-500 ft wide: In areas up to 500 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. Creating a pilot hole for any type of pile using an auger or drop punch
 - b. Trenching a shoreline with mechanical equipment to create a space to install any type of sheet pile and backfilling behind it
 - c. Installing any type of piles and sheet piles by jetting.
6. Areas that are 501-1,400 ft wide: In areas over 500 ft wide, but less than 1,400 ft wide, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-3 above, and
 - b. Installing any type of piles and sheet piles by vibratory hammer.
7. Areas over 1,401 ft wide: In areas 1,401 ft wide or wider, the allowable pile or sheet pile driving activities within the Gulf sturgeon critical habitat migratory restriction zones are:
 - a. The activities described in 1-4 above, and
 - b. Installing wood, vinyl, and concrete piles and sheet piles by impact hammer.

Project Design Criteria (PDCs) for In-Water Noise from Pile and Sheet Pile Installation

Open Water

The letters A-E in the tables below specify the PDC category. Activities labeled A-D must follow the corresponding PDCs for labeled Category A-D below. Activities labeled E are excluded from this Opinion, as stated in Category E below.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood piles 14-inch (in) diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less in open	A	A	A	A	B
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Concrete slab wall- any size	A	A	A	A	B
Vinyl sheet pile- any size	A	A	A	A	B
Metal sheet pile- any size	A	A	A	A	E

Confined Space

In Florida, we consider the confined space to be any area that has a solid object (e.g., shorelines or seawalls) within 150 ft of the pile installation site and in the U.S. Caribbean we consider confined space to be any area that has a solid object within 260 ft of the pile installation site.

	Trench and	Pilot hole (auger or	Jetting	Vibratory	Impact hammer
Wood pile 14-in diameter or less when installed via impact hammer and 36-in or less for all other installation methods	A	A	A	A	B
Concrete pile 24-in diameter/width or less (5 piles	A	A	A	A	C
Concrete pile 24-in diameter/width or less (6-10	A	A	A	A	D
Metal pipe pile 36-in diameter or less	A	A	A	A	E
2 metal boatlift I-beams	A	A	A	A	B
Vinyl sheet pile – any size	A	A	A	A	B
Concrete slab wall- any size (5 slabs or less	A	A	A	A	C
Concrete slab wall- any size (6-10 slabs installed/day)	A	A	A	A	D
Metal sheet pile- any size	A	A	A	A	E

- A. The Projects identified as A above must comply with PDCs identified for all projects in this Opinion. Specific PDCs related to noise include:**
1. All work must occur during daylight hours only (PDC AP.6).
 2. All construction personnel are responsible for observing water-related activities to detect the presence of these species and avoid them (PDC AP.7).
- B. The projects identified as B above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 10 piles per day.**
- C. The projects identified as C above must follow all of the conditions under A, above, AND also must limit the maximum number of piles installed per day to no more than 5 piles per day.**
- D. The projects identified as D above must follow all of the conditions under A and B, above, AND also must abide by one of the noise abatement measures below, as chosen by the applicant:**
1. Bubble curtain: The bubble curtain design must adhere to the guidelines for unconfined and confined bubble curtains described in Appendix B.
 2. Temporary noise attenuation pile (TNAP) also known as a pile isolation casing: The TNAP design must be constructed of a double-walled tubular casing (a casing within a larger casing), with at least a 5-in-wide area between the casings that is dewatered to create a hollow space or 5-in wide area between the casings completely filled with closed-cell foam or other noise dampening material between the walls. The TNAP must be long enough to be seated firmly on the sea bottom, fit over the pile being driven, and extend at least 3 ft above the surface of the water.
 3. The use of any other alternative noise control method must receive prior approval by NMFS and the USACE, as described in Section 2.3.
- E. The projects identified as E are not covered under this Opinion.**

Attachment X

North Atlantic Right Whale Federal Regulations Information Handout

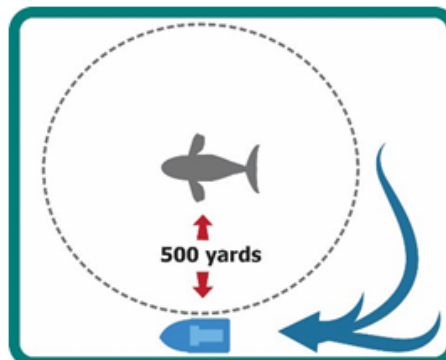
Federal Regulations Governing the Approach to North Atlantic Right Whales



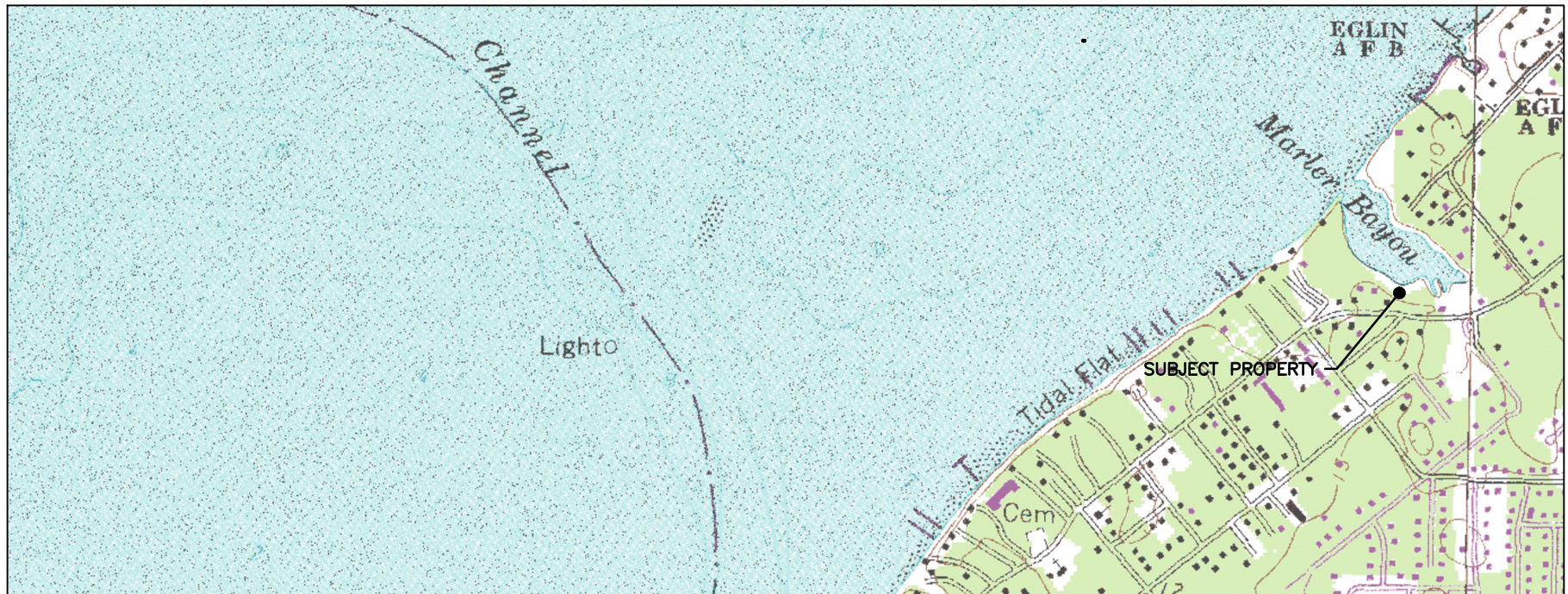
1. Federal regulations governing the approach to North Atlantic right whales can be found at 50 CFR 224.103(c). It is illegal to approach and remain within 500 yards of right whales; 500 yards is equal to the distance of 5 football fields.

Prohibitions on approaching right whales are as follows (Excerpts from 50 CFR 224.103(c), available at www.ecfr.gov): Unless otherwise lawfully allowed or unless doing so would create an imminent and serious threat to a person or vessel, it is unlawful to:

- (i) *Approach (including by interception) within 500 yards (460 m) of a right whale by vessel*
- (ii) *Fail to undertake required right whale avoidance measures. If underway, a vessel must steer a course away from the right whale and immediately leave the area at a slow safe speed.*



2. Updates can be downloaded from:
 - a. http://www.nmfs.noaa.gov/pr/species/mammals/cetaceans/rightwhale_northatlantic.htm, or
 - b. www.ecfr.gov



DIRECTIONS TO THE SITE FROM DOWNTOWN PENSACOLA: START OUT GOING EAST ON CHASE STREET/US-98 TOWARDS GULF BREEZE. CONTINUE TO FOLLOW US-98 FOR APPROXIMATELY 44.4 MILES. TURN LEFT ONTO CALHOUN AVE. SUBJECT PROPERTY WILL BE LOCATED ON THE LEFT HAND SIDE OF THE ROAD IN ~1 MILE WITH AN ADDRESS OF 437 CALHOUN AVE. PLEASE CALL 850-453-4700 WITH ANY QUESTIONS.

SUBJECT PROPERTY

PARCEL ID#
00-2S-22-0310-000D-0880

PROPERTY OWNER
MICHELLE MILLIKAN
437 CALHOUN AVE
DESTIN, FL 32541

PROJECT LOCATION

437 CALHOUN AVE
DESTIN, FL 32541
LAT: 30.405738°
LONG: -86.501552°

INDEX OF SHEETS

<u>SHEET NO.</u>	<u>DESCRIPTION</u>
1	SITE LOCATION MAP
2	PLAN VIEW DEPICTED ONTO AERIAL
3	PLAN VIEW OF PROPOSED DEVELOPMENT PLAN
4	DOCK PROFILE (TYPICAL)
5	DOCK DETAILS (TYPICAL)



Michelle Millikan
SAJ-2020-01172
Drawings: Page 1 of 6
May 19, 2020



ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
KEITH@WETLANDSCIENCES.COM

PROJECT NAME: 437 CALHOUN AVE

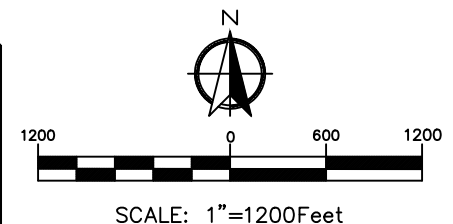
SITE LOCATION MAP

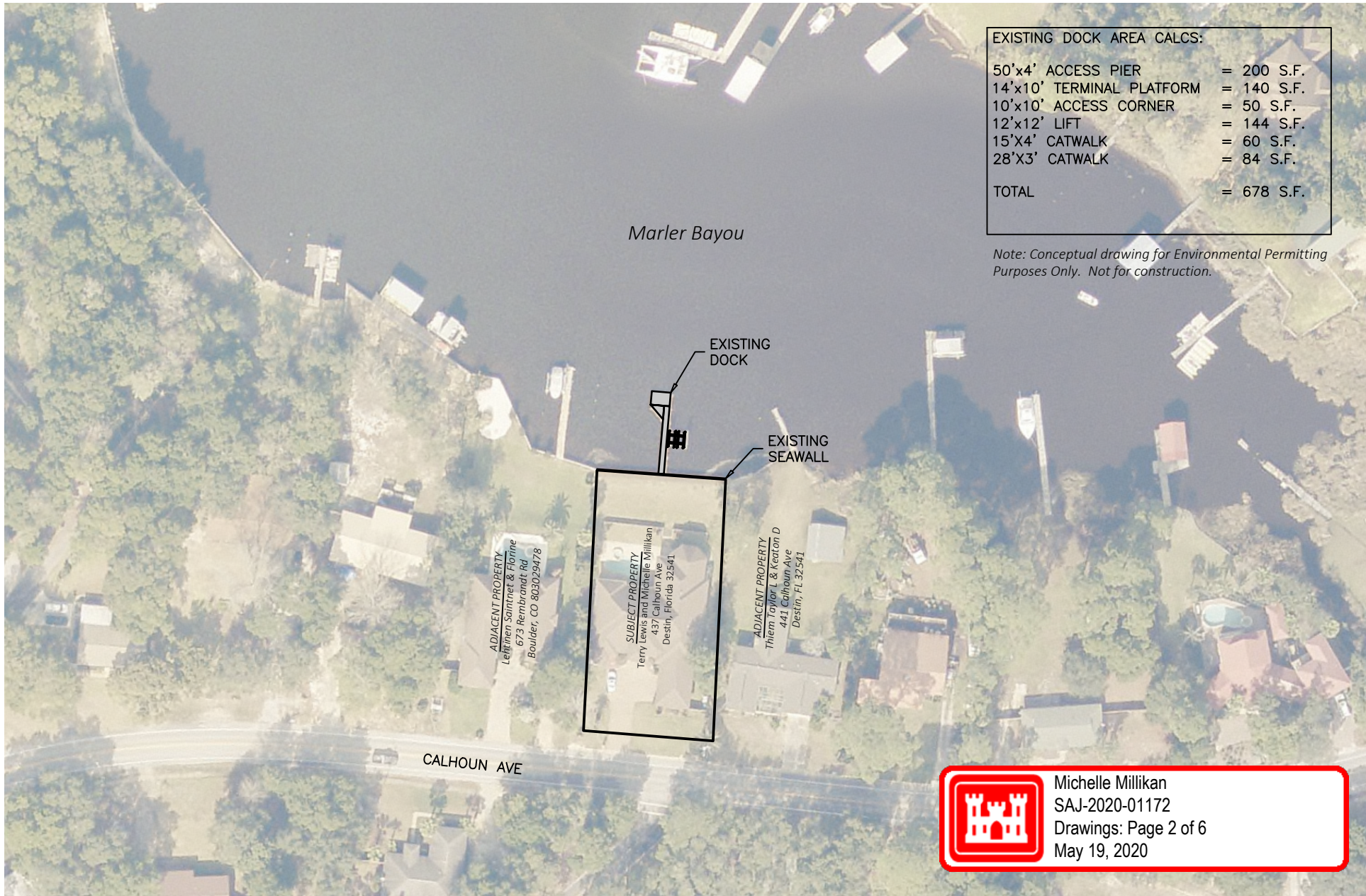
PROJECT NO.: 2018-284

DRAWN BY: KDJ

DATE: 02/26/20

SHEET: 1





Marler Bayou

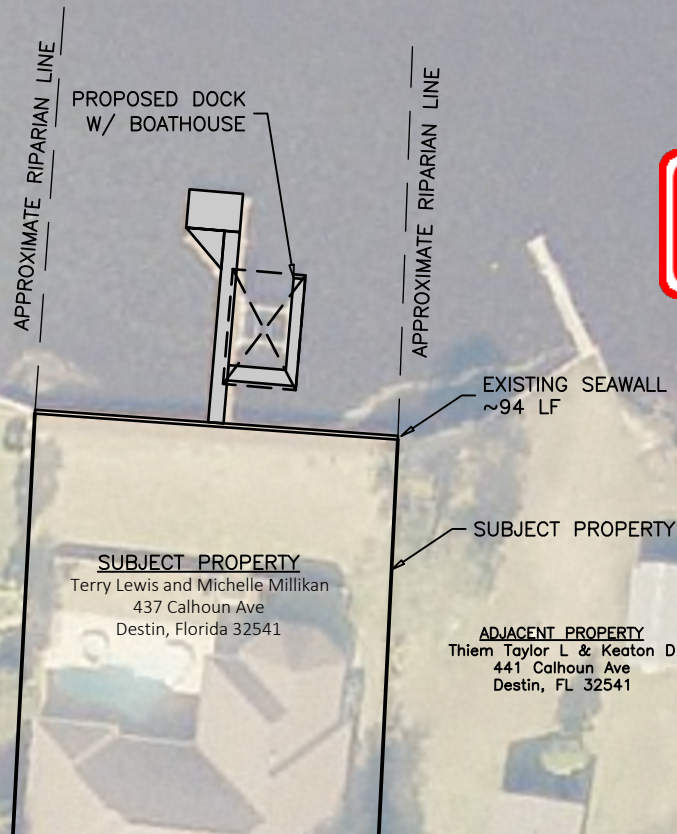
PREEMPTED AREA CALCS:

50'x4' ACCESS PIER	= 200 S.F.
14'x10' TERMINAL PLATFORM	= 140 S.F.
10'x10' ACCESS CORNER	= 50 S.F.
24'x15' COVERED BOAT SLIP	= 360 S.F.
15'x4' CATWALK	= 60 S.F.
28'x3' CATWALK	= 84 S.F.
TOTAL	= 894 S.F.

Note: Conceptual drawing for Environmental Permitting Purposes Only. Not for construction.



Michelle Millikan
SAJ-2020-01172
Drawings: Page 3 of 6
May 19, 2020



ADJACENT PROPERTY
Lehtinen Saintnet & Florine
673 Rembrandt Rd
Boulder, CO 803029478

SUBJECT PROPERTY
Terry Lewis and Michelle Millikan
437 Calhoun Ave
Destin, Florida 32541

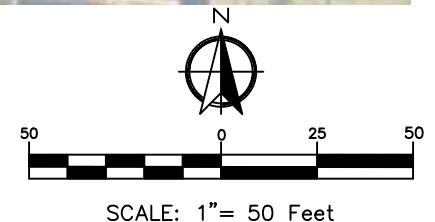
ADJACENT PROPERTY
Thiem Taylor L & Keaton D
441 Calhoun Ave
Destin, FL 32541



ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
KEITH@WETLANDSCIENCES.COM

PROJECT NAME: 437 CALHOUN AVE
PLAN VIEW DEPICTED ONTO AERIAL
PROJECT NO.: 2018-284
DRAWN BY: kdj DATE: 06/21/2018
SHEET: 3



Marler Bayou

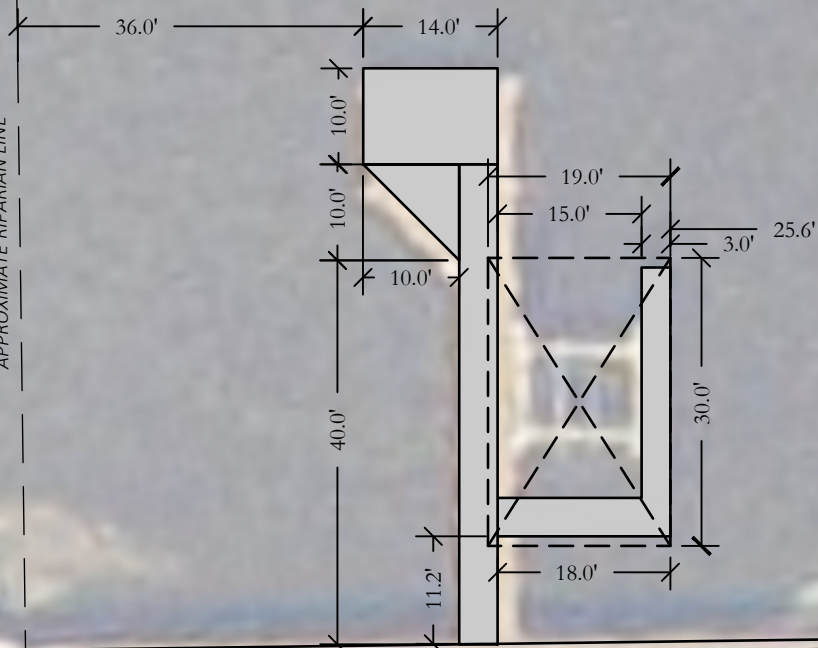
APPROXIMATE RIPARIAN LINE

APPROXIMATE RIPARIAN LINE

PREEMPTED AREA CALCS:

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14'x10' TERMINAL PLATFORM	= 140 S.F.
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Michelle Millikan
SAJ-2020-01172
Drawings: Page 4 of 6
May 19, 2020

MHWL RUNS ALONG
EXISTING SEAWALL
+/- 97 LF

SUBJECT PROPERTY
PER WALTON COUNTY GIS

ADJACENT PROPERTY
Thiem Taylor L & Keaton D
441 Calhoun Ave
Destin, FL 32541

ADJACENT PROPERTY
Lehtinen Saintnet & Florine
673 Rembrandt Rd
Boulder, CO 803029478

SUBJECT PROPERTY
Terry Lewis and Michelle Millikan
437 Calhoun Ave
Destin, Florida 32541



ENVIRONMENTAL CONSULTANTS

3308 GULF BEACH HIGHWAY
PENSACOLA, FLORIDA 32507
TEL: 850.453.4700
KEITH@WETLANDSCIENCES.COM

PROJECT NAME: 437 CALHOUN AVE

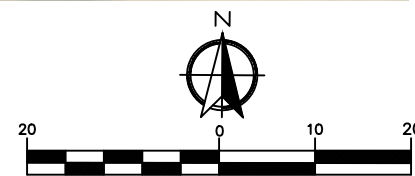
PLAN VIEW

PROJECT NO.: 2018-284

DRAWN BY: kdj

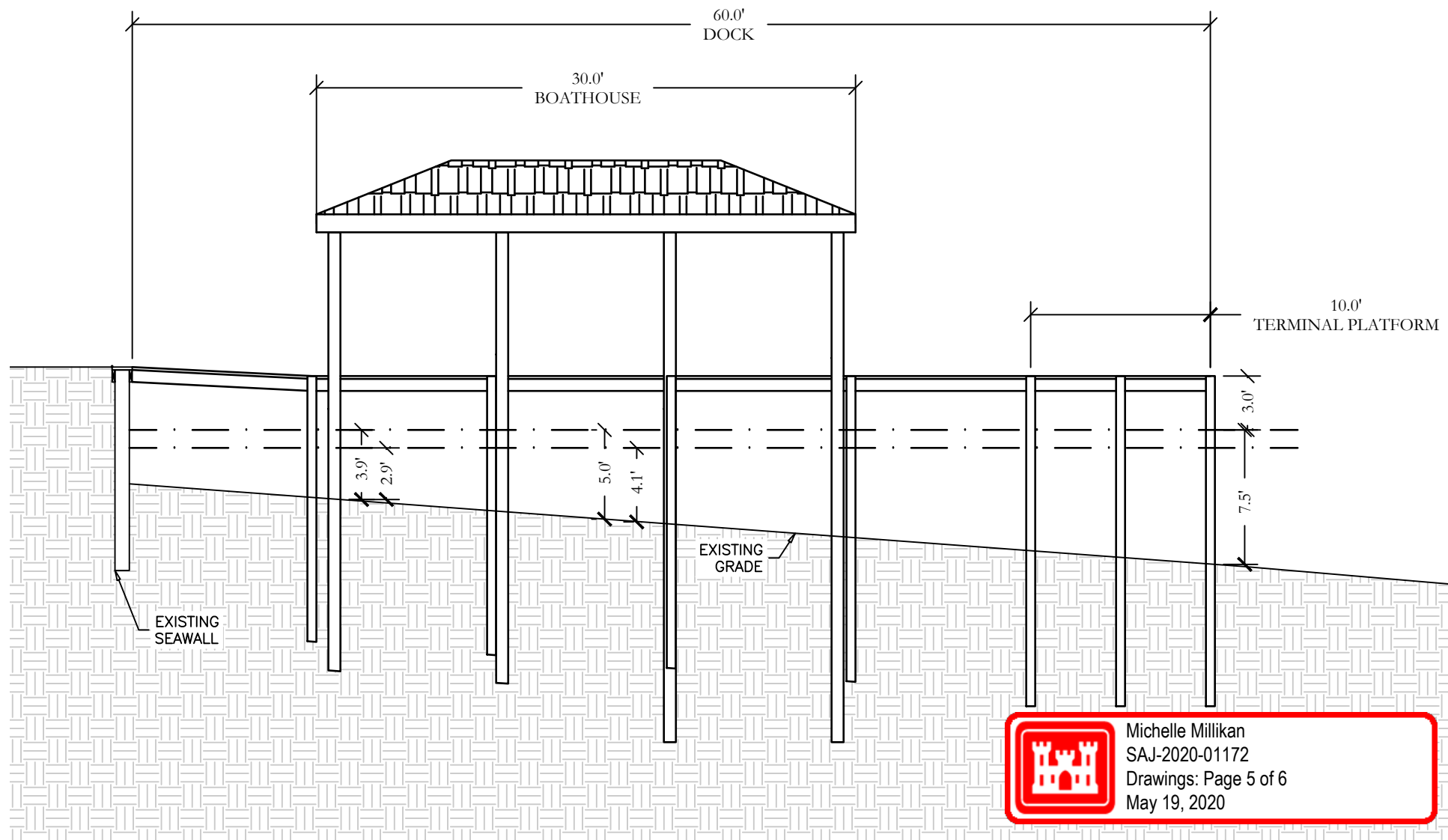
DATE: 02/26/20

SHEET: 4

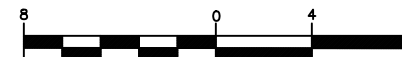


SCALE: 1" = 20 Feet

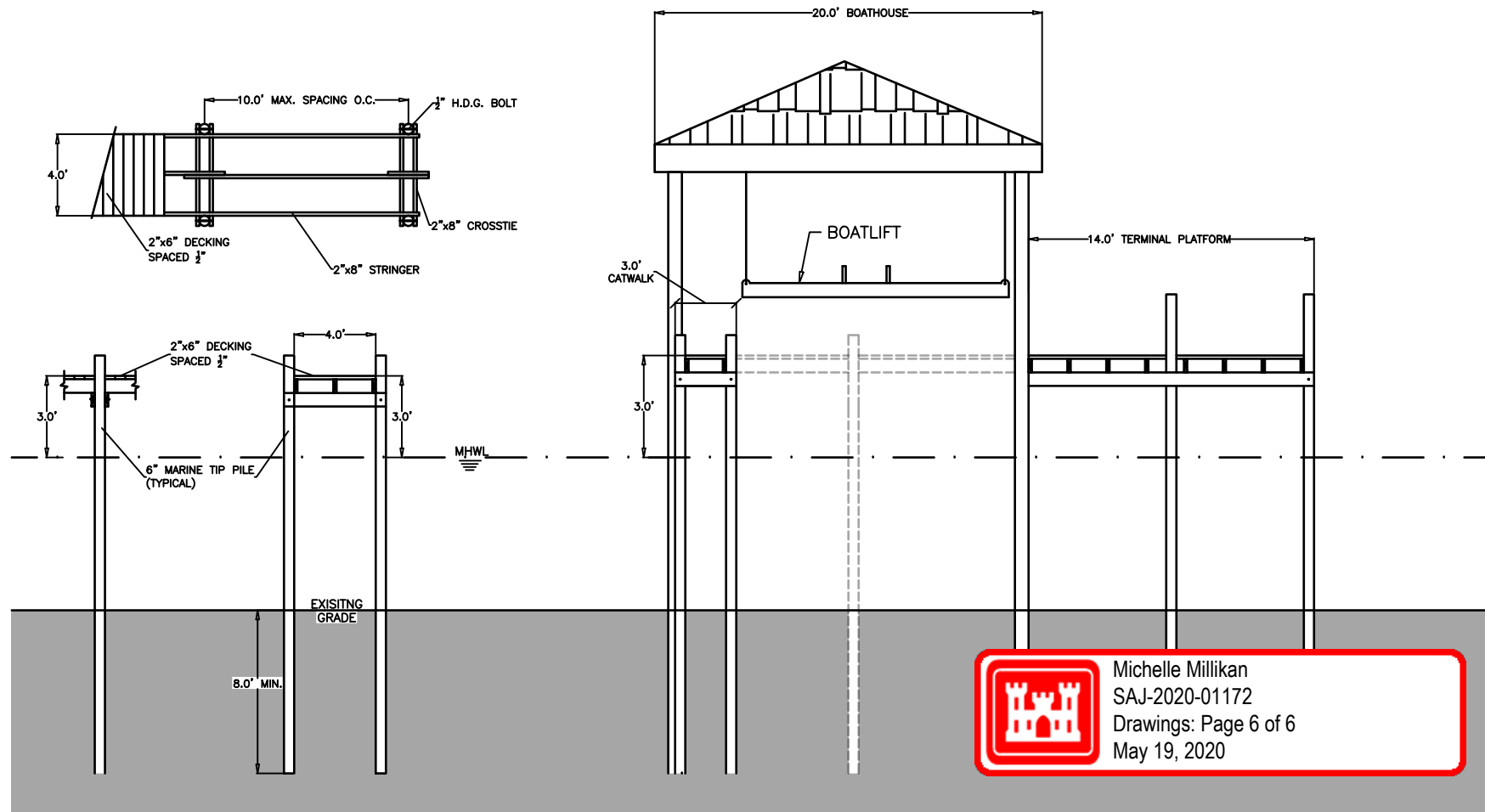
Note: Conceptual drawing for Environmental Permitting
Purposes Only. Not for construction.



Michelle Millikan
SAJ-2020-01172
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May 19, 2020



Note: Conceptual drawing for Environmental Permitting
Purposes Only. Not for construction.



 Michelle Millikan
SAJ-2020-01172
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May 19, 2020



Community Development

Planning Division

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-654-1119 | Fax: 850-460-2171 | www.cityofdestin.com

January 30, 2020

Subject: Notice of Public Hearing – 437 Calhoun Avenue
Proposed Boathouse over an existing boat lift with two (2) catwalks

Dear Property Owner:

The purpose of this letter is to notify you of the Marine Construction Permit received by the Community Development Department. The Marine Construction application seeks Harbor and Waterways Board approval for boathouse over an existing boat lift with two (2) catwalks. **The Application will be heard by the Harbor and Waterways Board at 5:00 p.m. at Destin City Hall, 4200 Indian Bayou Trail on Monday, February 24, 2020.** As an owner of property located adjacent of this project, Article 2.17.00 of the Destin Land Development Code (LDC) requires a written notice providing you the following information.

This notice is for informational purposes only. No action is required on your part.

1. Name of Owner: Michelle Millikan
2. Name of Agent: Not Applicable
3. Address of Project: 437 Calhoun Avenue
4. Parcel ID Number: 00-2S-22-0310-000D-0880
5. Project Description: This is an application for approval of a boathouse over an existing slip with two (2) catwalks.

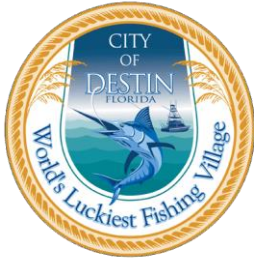
If you have any questions, please do not hesitate to call me (850) 654-1119.

Sincerely,



Traci Goodhart
Planner

cc: Project File, Letter Log & Receptionists



COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

CITY COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Staff Report and Recommendation

TO: City Council

THRU: Lance Johnson, City Manager

FROM: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney

DATE: May 22, 2020

SUBJECT: Single-Family Residential Marine Construction Proposed at 437 Calhoun Ave

BACKGROUND: The contractor has submitted a marine construction permit application for one (1) 15' x 24' roof over an existing boatlift, with two (2) catwalks; one (1) 3' x 28' catwalk and one (1) 4' x 15'. The total project footprint is ±900 square feet.

REQUEST: The applicant requests City Council approval for a marine construction project proposed at 437 Calhoun Avenue, located within Marler Bayou, Class III Florida Waters.

DISCUSSION: The proposed marine construction project meets the requirements of *Article 11.05.00, City of Destin Land Development Code*, in addition, to including the required 25-foot riparian setback from adjacent property lines.

Additionally, the proposal addresses the following City requirements:

- A. Link to Strategic Goals /Objectives:** 1) Enhance Quality of Life. 2) Improve Public Use of Beach, Waterways and Harbor. 3) Enhance and Preserve Heritage and Environment.
- B. Effect on Budget (EOB):** There is not any anticipated effect on the budget.
- C. Level of Service (LOS):** There is not any anticipated effect on LOS.

COMPREHENSIVE PLAN CONSISTENCY: The proposed marine construction project is consistent with Coastal Management Element Goal 6-1, Coastal Management Element Objective 6-1.1, and Coastal Management Element Policy 6-1.1.3: Protect Coastal and Estuarine Environmental Quality and the Shoreline.

HARBOR & WATERWAYS BOARD RECOMMENDATION: During a Public Hearing held on February 24, 2020, the Harbor and Waterways Board recommended approval of a single-family marine construction project proposed at 437 Calhoun Avenue for one (1) 15' x 24' roof over an existing boatlift, with two (2) catwalks; one (1) 3' x 28' and one (1) 4' x 15', subject to providing a revised FDEP and ACE permit and the applicant meeting all applicable City permit requirements.

CONCLUSION: The contractor provided a REVISED Florida Department of Environmental Protection (FDEP) Permit, File No. 0365793-002-EE and associated U.S. Army Corp Permit, File No. SAJ-2020-01172. City staff reviewed the application and determined that the plans comply with City Codes and regulations. Specifically, the proposed dock complies with *Article 11.05.01.M., City of Destin Land Development Code*, and the Coastal Management Element of the City's Comprehensive Plan (*Coastal Management Element Policy 6-1.1.3*).

RECOMMENDED MOTION: I move that City Council approve a single-family marine construction project located at 437 Calhoun Avenue subject to the applicant meeting all applicable City permit requirements.

Exhibits:

- A. Harbor & Waterways Board Application, dated November 20, 2019**
- B. Site plans for proposed project, dated February 26, 2020**
- C. REVISED Florida Department of Environmental Protection, dated February 26, 2020**
- D. REVISED Army Corp of Engineers, dated May 19, 2020**

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU:

FROM:

DATE:

SUBJECT: 2) Beach Advisory Board Meeting Report

I. BACKGROUND:

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:**
- B. Effect on Budget (EOB):**
- C. Level of Service (LOS):**

III. CONCLUSION:

IV. RECOMMENDED MOTION:

Attachments:
None

URGE GOVERNOR TO PROVIDE CARES ACT FUNDS TO REMAINING LOCAL GOVERNMENTS

Contact the Governor's Office as soon as possible and provide support for the joint request of the Florida Association of Counties and the Florida League of Cities asking the Governor to release the intended local government Coronavirus Relief Funds to those cities and counties that were NOT directly funded by the CARES Act.

These local government funds are critical for communities to mitigate unforeseen expenses related to the COVID-19 pandemic and to aid local governments to provide necessary local economic relief to its citizens and business communities.

Summary

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136), signed into law on March 27, 2020, created the Coronavirus Relief Fund, which provides \$150 billion in direct assistance for State and local governments.

Florida's Local Governments and the CARES Act

The CARES Act provided direct funding totaling more than \$2.4 Billion to 12 Florida counties whose population is greater than 500,000. Currently, Florida has 55 counties and approximately 410 cities with a respective population that is less than the 500,000 threshold stipulated by the CARES Act.

Florida's allocation from the CARES Act (For state and local government relief) was approximately \$8.328 Billion. The legislation provided that of each state allocation, 55% was reserved for the state and 45% of the allocation was reserved for direct payments to eligible local government jurisdictions (that exceed 500,000 in population). A breakdown of the funding is below:

Total Florida Allocation		\$8,328,221,072
Reserved for State	55%	\$4,580,521,590
Reserved for Local Governments	45%	\$3,747,699,482

The eligible Florida local governments (500,000+) received approximately \$2.472 billion in direct federal assistance. However, this sum is approximately \$1.275 billion less than the total sub-allocation reserved for eligible Florida local governments of \$3.747 billion.

Due to the large number of Florida local governments that did not receive funding, FAC and the Florida League of Cities (FLC) have agreed to work collaboratively to achieve the goal of securing the remaining dedicated local government funding for the 55 counties and approximately 410 cities with a respective population that is less than the 500,000 threshold stipulated by the CARES Act.

The Florida Association of Counties and the Florida League of Cities respectfully requested that the remaining \$1.275 billion be earmarked to provide direct assistance to local governments that were not direct beneficiaries of CARES Act dollars.

Funding distribution for eligible local governments

FAC and FLC jointly proposed that all municipal and county governments that did not receive direct or indirect funding as a result of the CARES Act are deemed "eligible" local governments to receive distribution from the total requested allocation of \$1.275 billion. The distribution methodology, similar to the federal formula, would utilize each eligible jurisdiction's total population as a share of the total state population to create a factor that would be applied to the total dedicated allocation.

Example:

- $(\text{Jurisdiction Population} / \text{Total State Population}) = \text{Allocation Factor}$
 - $100/1000 = .10$ or 10%
- $\text{Allocation Factor} * \text{Total Dedicated Allocation} = \text{Jurisdiction Distribution}$
 - $10\% * \$1,000,000 = \$100,000$

Under this distribution, a summary distribution of the dedicated allocation would be as follows:

- **Florida cities** would receive an approximate sum of **\$590,154,219.95**

- **Florida's counties** would receive an approximate sum of **\$430,726,697.19**
- Remaining **unspent funds** to held for "**Contingency Purposes**" are **\$254,404,872.99**
- **Total Local Government Allocation** is **\$1,275,285,790.12**

The identified contingency funds could be made available to "eligible" local governments that have incurred expenses that are greater than their jurisdiction distribution, **or a number of other eligible uses that would also address the Governor's mitigation and recovery priorities at the local level.**

Contact the Governor's Office:

Governor Ron DeSantis
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Director of Policy
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If you have any questions, please contact Davin Suggs or Eric Poole.

CITY OF DESTIN



AGENDA ITEM

COUNCIL MEETING DATE: June 1, 2020

TYPE OF AGENDA ITEM: Presentation

TO: City Council

THRU:

FROM: Kyle Bauman, City Attorney

DATE:

SUBJECT: 1) Gulf Power update

I. BACKGROUND: Gulf Power's original and updated ballpark cost estimates for undergrounding are attached. The Request for Qualifications for a Utility Undergrounding Project Manager was issued May 15, 2020.

Councilmember Destin to provide further updates on the progress of undergrounding and franchise agreement discussions.

II. DISCUSSION:

- A. Link to Strategic Goals / Objectives:
- B. Effect on Budget (EOB):
- C. Level of Service (LOS):

III. CONCLUSION:

IV. RECOMMENDED MOTION:

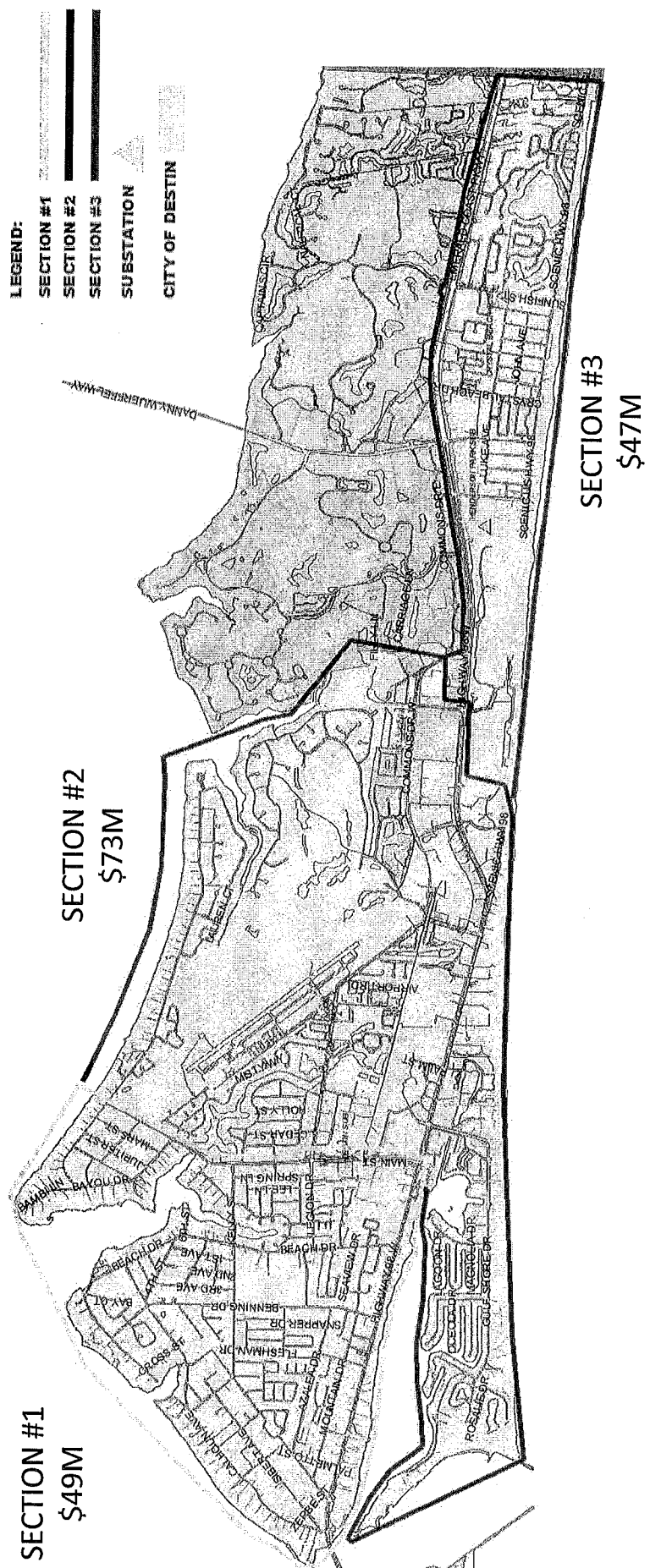
Attachments:

- 1. Underground Conversion -- BCE -- 6.8.18
- 2. Underground Conversion -- BCE -- 4.13.20

City of Destin

Overhead to Underground Conversion
Non-Binding Estimates (June 8, 2018)

Overall Conversion Estimate = \$169 Million





Gulf Power®

MEMO

To: City of Destin
From: Bernard Johnson, Gulf Power
Date: April 13, 2020
Subject: Update on undergrounding

Background:

As you are aware, Gulf Power and the City of Destin have been in discussions for several years on a number of issues, including the franchise agreement and undergrounding the City's distribution electric grid. After becoming part of the NextEra Energy family in January 2019, Gulf Power re-engaged in discussions with the City of Destin on the franchise agreement and other issues. The first meeting between the parties was on June 19, 2019, with the new Gulf Power team, including:

- Susan Melians, VP of Customer Service and External Relations
- Mike Spoor, VP of Power Delivery
- Russell Badders, VP and General Counsel
- Pat Bryan, Senior Counsel
- Bernard Johnson, Regional Manager, External Affairs

The meeting established a new baseline of commitment to the City of Destin and a continued focus on reliability and service to the City. Since that time, there have been several meetings regarding the franchise agreement as well as the City's desire to underground its system. The City has communicated to Gulf Power that its number one priority is to underground the entire city in phases as the parties separately and simultaneously move forward to negotiate a franchise agreement.

Recent Developments:

After the initial meeting in June 2019, Gulf Power began to work with the City to help the City understand the undergrounding process and prioritize the phasing of work to lower impacts and costs. At our recommendation, the City spoke with the City of Panama City Beach to gain insights. The Panama City Beach strategy over the past five years has been to focus on one mile at a time. In addition, Gulf Power strongly encouraged that the City of Destin hire a project manager to oversee the project and serve as a liaison between the City and Gulf Power.

As the parties continue to identify areas or prioritization for the project, the City recently identified and provided a list of 28 critical infrastructure facilities (CIFs) that they are requesting to convert from overhead electrical service facilities to underground service. Gulf Power will continue to work with the City to prioritize the undergrounding of the CIFs. The City has requested a ballpark estimate for the cost to underground the primary feeder lines from the Destin Bridge to Airport Road and a ballpark cost estimate to underground the eight main travel thoroughfares.

Next Steps:

Gulf Power is prepared to provide the City a non-binding cost estimate of \$5.7 million dollars for the 1.85-mile section of Highway 98. The main travel thoroughfares are estimated to be \$3.1 million per mile. The cost

estimate reflects Gulf Power providing all materials and labor for the installation of Gulf's electrical facilities. Customer-owned facilities are not the responsibility of Gulf Power. The City can reduce overall project costs by installing Gulf Power's duct system while utilizing a joint trench system with the other utilities.

Gulf Power's cost estimate assumes the City will be responsible for the following and does not include any costs associated with these activities:

- Coordinating undergrounding with 3rd party attachers of phone, cable and any other items attached to the poles, including street lighting;
- Securing easements as needed for underground lines and electrical facilities;
- Coordinating with business proprietors the customer-owned services and associated costs;
- Handling any underground cable path issues attributed to the narrow right-of-way; and
- Securing a project manager.

During previous initial discussions around undergrounding, Gulf Power indicated that it expected the cost for conversion from overhead to underground for the entire city would be approximately \$169 million, with a specific estimate of \$12.1 million for converting 1.85 miles of Highway 98 (or approximately \$6.54 million per mile). Gulf Power's updated cost estimate outlined above incorporates a number of new and revised factors. In addition, if the Florida Public Service Commission (FPSC) approves Gulf Power's recently proposed revisions to its underground tariff, we anticipate being able to provide for additional avoided storm restoration credits, which could lower the ballpark cost estimate even further. Gulf Power expects the FPSC to issue a ruling on the proposed revisions to its tariff later this year.

The City and Gulf Power are scheduled to meet later this month to discuss the proposed undergrounding project and the ballpark cost estimate. Gulf Power attendees will be:

- Pat Bryan, Senior Counsel
- Johnathan Gates, Area Manager
- Chad Swails, Senior Project Manager
- Bernard Johnson, Regional Manager

We look forward to continuing to provide your community with reliable service and working with the City of Destin to achieve its goals. Thank you for all that you are doing to keep your residents safe and healthy in this difficult and unsettling time. If you have any questions, please reach out to me at 850-376-1675.

Chapter 4 - ANIMALS

*Footnotes:**— (1) —*

Editor's note— Ord. No. 65.3, adopted March 19, 1990, repealed Ch. 4, in its entirety, and enacted provisions designated as a new Ch. 4 to read as herein set out. See the Code Comparative Table.

Charter reference— General powers, § 1.01(b), (k).

Sec. 4-1. - Authority.

The authority for the enactment of this chapter is Article I, Section 1.01(b) and (k) of the City Charter and Chapters 163, 767 and 828, Florida Statutes.

(Ord. No. 65.3, § 1, 3-19-90)

Sec. 4-2. - Purpose.

The purpose of this chapter is to regulate animal control or cruelty in the interest of public health, safety and welfare of the public.

(Ord. No. 65.3, § 2, 3-19-90)

Sec. 4-3. - Definitions.

For the purpose of this chapter, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their common and ordinary meaning, or for those so included, the meaning found in section 1-2 of the Code of Ordinances.

Animal shall be held to include every living dumb creature.

Animal control agency means the City of Destin or its authorized agent.

Animal control officer means person(s) designated as a law enforcement officer by the state, a county or municipal government, or a humane society organized under the laws of the state, and who is qualified to perform such duties pursuant to the laws of the state.

Animal shelter means that public or private, non-profit facility operated by an animal control agency or a humane society for the purpose of impounding or caring for animals held under the authority of this chapter or Florida Statute.

Bad dog or bad cat means any dog or cat which has bitten or attempted to bite or attack a human or another animal without provocation.

Citation means a written notice issued to a person by an animal control officer with probable cause to believe that the person has committed a civil infraction in violation of this chapter and that the county court will hear the charge. A citation issued shall comply as to content with Section 828.27(f), Florida Statutes.

Cruelty means any act of neglect, torture or torment that causes unjustifiable pain or suffering of any animal.

Custodian means any person or agent designated by the owner of an animal to provide care, shelter, protection, refuge or food and otherwise control the animal's actions.

Direct control means the immediate, continuous physical control of a dog or cat by means of a leash or other tether of sufficient strength to restrain the dog or cat; or, in the case of hunting dogs and specifically trained dogs which immediately respond to verbal or other oral commands, direct control shall include verbal or oral control, if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the dog.

Farm animal means cattle, swine, horses, mules, poultry, ostriches, goats and sheep.

Harbor means to perform any of the acts of providing care, shelter, or food in such a manner as to control the animal's actions; or to reasonably show that the animal returns regularly to a person's home or premises for shelter and/or food. An animal shall be deemed to be harbored if it is fed or sheltered for ten (10) consecutive days or more.

Owner means any natural person, firm, association or corporation who owns, keeps, harbors or controls an animal, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation shall be held to be the knowledge and acts of such corporation.

Spay or neuter means to surgically render a cat or dog permanently and completely incapable of breeding or reproduction.

(Ord. No. 65.3, § 3, 3-19-90)

Sec. 4-4. - Repeal of Chapter 4 animals.

Chapter 4 Animals, as amended by Ordinance 170, of the Code of Ordinances of the city, a copy being attached hereto and made a part hereof by reference, is hereby repealed.

(Ord. No. 65.3, § 4, 3-19-90)

Sec. 4-5. - Animal control officer.

- (a) The animal control officer shall have full and complete authority in the enforcement of this chapter and may pick up or apprehend any animal under any circumstance which constitutes a violation of this chapter or Florida Statute and impound said animal in the animal shelter.
- (b) The animal control officer may enter public or unfenced private property within the city to carry out the enforcement of this chapter or Florida Statute.
- (c) The animal control officer may enter fenced private property, exclusive of buildings, when the animal being sought was at large immediately prior to the animal control agency or officer receiving a sworn complaint regarding a violation, but subsequently the animal returned to its owner's or custodian's fenced private property; provided, however, that an attempt to contact the owner or custodian, if known, was unsuccessful.
- (d) The animal control officer may enter fenced private property for the purpose of enforcing the provisions of Section 828.073, Florida Statutes, concerning the removal of neglected or mistreated animals.
- (e) The animal control officer may carry and utilize a humane chemical capture device to subdue and tranquilize an animal.
- (f) The animal control officer may issue citations and/or notices to appear in the county court for violations of this chapter when reasonable and probable cause exists that a violation has occurred.

(Ord. No. 65.3, § 5, 3-19-90)

Sec. 4-6. - Interference with animal control officer.

- (a) It shall be unlawful and a civil infraction for any person to hinder, obstruct or otherwise interfere with an officer while discharging his duties under this chapter; or to take or attempt to take any animal from any vehicle used by the officer to transport animals; or to take or attempt to take any animal from the animal shelter without proper authority; or to knowingly interfere with any animal trap set by an officer or persons obtaining said traps from the animal control agency. Any person cited for a civil infraction under this subsection shall pay a civil penalty of one hundred dollars (\$100.00).
- (b) It shall be unlawful for any person to tear down, burn, deface, destroy or otherwise damage any animal control vehicle, animal shelter or enclosure thereof. Violations of this subsection are punishable as provided in section 1-9 of the City Code.

(Ord. No. 65.3, § 6, 3-19-90)

Sec. 4-7. - Public nuisances.

- (a) It shall be unlawful and a civil infraction for the owner or custodian of an animal to permit the following nuisances, which are hereby declared to be public nuisances, to be committed, either willfully or through failure to exercise due care or control:
 - (1) No animal shall be permitted to habitually chase after or otherwise harass person or vehicles.
 - (2) No animal shall be permitted to trespass on school grounds, or other public or private property, except that this restriction does not apply to dogs utilized by law enforcement agencies in law enforcement activities or to dogs trained to assist a blind, deaf or physically handicapped person when in the company of that person.
 - (3) No animal shall be permitted to run at large off of the premises of its owner or custodian and upon public property, or upon other private property without the permission of the owner or occupant of such private property.
 - (4) No animal shall be permitted to destroy or damage private or public real or personal property of another, or cause serious annoyance to a neighboring premises by interfering with the reasonable use and enjoyment of the property.
 - (5) No animal shall be permitted to bark, bay, cry, whine or howl or make any other noise continuously and/or incessantly in an excessive, habitual or untimely fashion for such a duration that it annoys or disturbs a reasonable person of normal sensitivities residing in or occupying premises in close proximity to the premises on which the animal is located. However, a dog will not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property where the dog is situated or for any other legitimate cause which teased or provoked the dog. In the case of multiple animals at one (1) location, it shall not be necessary to single out which specific animal committed a noise nuisance. It shall be sufficient to demonstrate that the noise emanated from the premises. The provisions of this subsection shall not be applicable to any person duly licensed by the city to keep, house or shelter an animal belonging to another, as long as the animal is confined inside an enclosed building.
 - (6) No animal shall be permitted upon the public beaches of the city unless specifically authorized by a sign clearly posted by the city.
- (b) It shall be unlawful and a civil infraction for the owner or custodian of any animal to fail to immediately remove and dispose of that animal's waste upon any public or private property when the owner or custodian

of the animal could reasonably be expected to be aware of the nuisance or has received notice of the existence of the nuisance.

(Ord. No. 65.3, § 7, 3-19-90; Ord. No. 65.4, § 2, 3-2-93; Ord. No. 11-01-CC, § 3, 1-3-11)

Sec. 4-8. - Bad dog; bad cat.

- (a) It shall be unlawful and a civil infraction for the owner or custodian of any dog or cat to permit it to bite, inflict injury upon, or otherwise attack a person or another animal without provocation. Any dog or cat which attacks and bites a person or another animal without provocation shall be deemed a "bad dog" or "bad cat" and the owner or custodian of such animal shall pay a civil penalty of one hundred dollars (\$100.00).
- (b) It shall be unlawful and a civil infraction for any dog or cat, when unprovoked, to approach or chase any person in an apparent attitude of attack or in a vicious or terrorizing manner, such dog or cat shall be deemed a "bad dog" or "bad cat".

(Ord. No. 65.3, § 8, 3-19-90)

Sec. 4-9. - Dangerous dogs.

- (a) The fee for the issuance of certificates of registration of dangerous dogs as defined in Section 767.11(1), Florida Statutes, and each annual renewal thereof shall be one hundred dollars (\$100.00).
- (b) The animal control agency shall promulgate appeal procedures by which the owner of a dog classified as dangerous may appeal such classification, which procedures shall be approved by the city council by resolution. The animal control agency shall provide written notification of the appeal procedures to the owner of a dog to be classified as dangerous, by certified mail or certified hand delivery.
- (c) The owner of a dog classified as dangerous must confine the dog in a securely fenced or enclosed area pending resolution of any appeal. If the owner fails to confine the animal, it shall be seized by the animal control agency and impounded in the animal shelter at the owner's expense pending resolution of the appeal.

(Ord. No. 65.3, § 9, 3-19-90)

Sec. 4-10. - Restraint and confinement to property.

- (a) *Restraint on owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to prevent their animal(s) from leaving their premises. Restraint exists when the animal is:
 - (1) Enclosed within a house, building, fence, pen or other enclosure where the animal cannot climb, dig, jump or otherwise escape. Such enclosure must be securely fastened any time the animal is left unattended.
 - (2) On a leash held by a competent person.
 - (3) Off leash but under voice control and obedient to that person's commands and that person is present with the animal at all times.
- (b) *Restraint while off owner's or custodian's property.* Owners and custodians of dogs and cats will exercise diligence and reasonable care to keep their animal(s) under restraint while off the owner's or custodian's premises. The only acceptable methods of restraint are:
 - (1) Inside a vehicle, parked or in motion.
 - (2) Confined within a secure enclosure with permission of the occupant of the property where the animal is

temporarily located

(3) On a leash held by a competent person.

(4) In a securely fastened cage or animal carrier with adequate ventilation and room for the animal.

(Ord. No. 65.3, § 10, 3-19-90)

Sec. 4-11. - Unrestrained animals in open vehicles.

It shall be unlawful and a civil infraction to transport on any public street any dog or other animal in a vehicle that is not fully enclosed unless the animal is confined in a cage or container or temporarily securely tethered by a device that will not permit the animal to fall or jump from the vehicle.

(Ord. No. 65.3, § 11, 3-19-90)

Sec. 4-12. - Sale or giveaway of certain animals.

- (a) It shall be unlawful for any person to sell, offer for sale, or give away in the city baby chickens, ducklings or other fowl under four (4) weeks of age, or rabbits under eight (8) weeks of age, to be used as pets, toys or retail premiums; or to give away or offer any animal as a prize, toy or merchandising premium.
- (b) It shall be unlawful for the owner or manager of any business or store to allow any person(s) to sell or give away any animal in front of that business or store.
- (c) It shall be unlawful for any person(s) to give away, sell or offer for sale any animal in front of any business, or the side of any public road or on other public property in the city.
- (d) Nothing in this section shall prevent any pet shop, feed store or other business establishment licensed in the city who sells live animals from displaying animals for sale outside the store premises as part of a sale promotion.
- (e) Violations of this subsection are punishable as provided in section 1-9 of the City Code.

(Ord. No. 65.3, § 12, 3-19-90)

Sec. 4-13. - Harboring stray animals.

The City of Destin allows two methods of harboring stray animals:

- (1) Persons who harbor any stray dog or cat shall be required to notify the animal control agency of the presence of the stray dog or cat, including a description of the animal, and information that will assist the animal control agency and/or animal owners in locating missing pets. The animal control agency may request the surrender of a stray animal within ten (10) days in the event an owner is identified; or
- (2) Accepted state registered non-profit organization who request to harbor stray cats or dogs on private or public property with a documented and accepted spay/neuter/release program, if approved by the city manager. An application shall be made available from the city manager's office indicating the review standards for requests to harbor animals on public property. Should an organization not receive the approval of the city manager, the state registered non-profit organization may provide the same information to the city council, during a regularly scheduled meeting, during scheduled presentations, and request the city council to approve their spay/neuter/release program. The determination of the city council shall be final. Furthermore, any person who opposes the acceptance or performance of an

approved spay/neuter/release program, may submit a letter of complaint and any related documentation to the city for consideration by the city council during a regularly scheduled meeting, during scheduled presentations.

(Ord. No. 65.3, § 13, 3-19-90; Ord. No. 65.7, § 3, 7-16-01)

Sec. 4-14. - Shelter; protection from the weather.

- (a) It shall be unlawful and a civil infraction for any person owning or responsible for confining or impounding any animal to fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section. In the case of farm animals, nothing in this section may be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in Okaloosa County.
 - (1) *Indoor standards.* Minimum indoor standards of shelter shall be as follows:
 - a. The ambient temperature shall be compatible with the health of the animal.
 - b. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animal at all times.
 - (2) *Outdoor standards.* Minimum outdoor standards of shelter shall be:
 - a. When sunlight is likely to cause heat exhaustion of any animal housed outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
 - b. Shelter from inclement weather shall be as follows:
 - 1. An artificial shelter providing relief from the elements and appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - 2. If a dog or cat is confined outdoors or in an unheated enclosure, a shelter of suitable size with a floor above ground and waterproof room shall be provided to accommodate the dog or cat and protect it from the weather and, in particular, from severe cold. It shall be made of durable material with a solid floor raised above the ground and with the entrance covered by a flexible windproof material or a self-closing swinging door. The structure shall be provided with a sufficient quantity of suitable bedding consisting of hay, straw, cedar shavings, blankets, or the equivalent, to provide insulation and protection against cold and dampness and promote retention of body heat.
 - (3) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include:
 - a. The housing facilities shall be structurally sound and maintained in good repair to protect the animal from injury and to contain the animal.
 - b. Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movements. Inadequate space may be indicated by evidence of overcrowding, debility, stress or abnormal behavior patterns.
- (b) It shall be unlawful and a civil infraction to fail to provide an animal with wholesome exercise and a sufficient quantity of good and wholesome food and water adequate to nutritional requirements of the species, or to fail to provide veterinary care when required to prevent suffering.
- (c) It shall be unlawful and a civil infraction to confine any animal in a building, enclosure, car, boat, vehicle or vessel of any kind when extreme heat or extreme cold will be harmful to its health. The animal control officer may remove any animal so confined, after a reasonable attempt to locate the owner of the animal has failed,

and may use the amount of force reasonable necessary to remove the animal. The animal control officer will leave a written notice in a prominent place indicating that the animal has been impounded and where it may be claimed by the owner. Violations of this subsection are punishable as provided in section 1-9 of the City Code.

- (d) It shall be unlawful and a civil infraction for any person keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to a person residing within reasonable proximity of said premises. It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing diligently and systematically to remove all animal waste from the premises. It shall be unlawful to allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

(Ord. No. 65.3, § 14, 3-19-90)

Sec. 4-15. - Impoundment and redemption of animals.

- (a) The animal control officer may apprehend any animal found being cruelly treated or doing or subject to any of the acts defined herein as violations. After impoundment, the animal control agency shall determine whether the animal is licensed or otherwise identifiable, and make reasonable effort to notify the owner either by mail or telephone that the animal has been impounded and under what conditions it may be redeemed. The animal shall remain impounded in the animal shelter for not less than five (5) working days, unless claimed by its owner, after which disposition may be made as herein provided.
- (b) An impounded animal eligible to be released may be redeemed by its owner upon proof of ownership and after payment of all applicable fines, impound fees and reasonable boarding fees. The animal control agency may waive the first impound fee if an animal is redeemed by its owner the same day it is impounded.
- (c) An impounded animal that is not redeemed within the periods provided may be offered for adoption pursuant to the requirements of Section 823.15, Florida Statutes, or humanely euthanized at the discretion of the animal control agency. No dog or cat shall be released by the animal control agency or from an animal shelter for any purposes except redemption by the owner or adoption for the limited purpose of harboring a household pet.
- (d) The owner of an impounded animal shall be responsible for and shall pay the following impound fees:
 - (1) First impound \$20.00
 - (2) Second impound of the same animal 30.00
 - (3) Third impound of the same animal, or the third time an animal is impounded belonging to the same owner 50.00
 - (4) Fourth impound requires a mandatory court appearance.
- (e) Organizations with a city approved spay/neuter and release program may be exempt from provisions of this section.

(Ord. No. 65.3, § 15, 3-19-90; Ord. No. 065.6, § 2, 3-3-98)

Sec. 4-16. - Unwanted animals.

It shall be unlawful and a civil infraction for any person to abandon an unwanted animal. Unwanted animals shall be relinquished to the animal control agency. Said animals will become the property of the animal control agency and shall only be released for adoption or humanely euthanized in accordance with this chapter.

(Ord. No. 65.3, § 16, 3-19-90)

Sec. 4-17. - Reporting injury to animals by motor vehicles.

Any operator of a motor vehicle that has injured an animal shall immediately notify the owner, if known, the animal control agency, or the Sheriff of Okaloosa County, and advise as to the location of the injured animal. Failure to notify one (1) of said authorities shall constitute a civil infraction.

(Ord. No. 65.3, § 17, 3-19-90)

Sec. 4-18. - Animal bites; rabies control; quarantine.

- (a) It shall be the duty of any person bitten by an animal, or the owner or harbinger of an animal if he has knowledge that the animal has bitten any person, and any medical person or facility which treats a person bitten by an animal, to report the incident to the county health department for supervised quarantine prescribed by state regulations. The place of quarantine for stray or owned animals shall be as prescribed by the county health department and, if the animal is owned, shall be at the owner's expense. Animals may be reclaimed by the owner when released from quarantine by the county health department.
- (b) The animal control agency shall cooperate with the county health department in the impoundment, apprehension and quarantine of animals pursuant to a written agreement between the two (2) agencies.
- (c) After investigation of any animal bite case by the animal control agency, if it is determined by the investigating officer that the bite was unprovoked, the animal may be then determined a "bad dog" or "bad cat" pursuant to section 4-8 above and the owner or custodian served with a citation for violation of subsection section 4-8(a) above shall be deemed guilty of a civil infraction.

(Ord. No. 65.3, § 18, 3-19-90)

Sec. 4-19. - Rabies vaccination required for dogs and cats.

- (a) Every owner maintaining a dog or cat over the age of three (3) months shall have such dog or cat vaccinated against rabies by a licensed veterinarian annually with a one-year vaccine approved for use in the United States. Evidence of vaccination shall consist of a rabies tag and a certificate signed by the veterinarian administering the vaccine and containing pertinent data for identification of the animal. The rabies tag shall be securely affixed to a collar or harness and worn by the dog or cat at all times when off the premises of the owner or custodian, except as otherwise specified.
- (b) A rabies tag may be removed from a dog or cat participating in an organized exhibition, trial or show, or undergoing training, providing the dog or cat is under the direct control of an owner or custodian.

(Ord. No. 65.3, § 19, 3-19-90)

Sec. 4-20. - Per household dog and/or cat license required.

- (a) *Licensing requirements.* Persons wishing to own or harbor dogs or cats in the city shall be required to purchase a household animal license annually. One (1) household animal license shall be required per household maintaining any dog or cat. Evidence of licensing shall consist of an animal license certificate.
- (b) *License issuance.* The animal control agency shall administer and enforce a mandatory annual household animal license program for dogs and cats. A household animal license shall consist of a numbered license certificate and shall be issued by the animal control agency upon application and payment of the prescribed

license fee by persons who wish to harbor or own any dog or cat. The animal control agency shall widely disseminate information throughout the city concerning household animal licensing requirements and the methods, either in person or by mail, by which an owner can obtain and renew a license.

- (1) An annual household animal license will be valid for a term of one (1) year from the date of issuance expiring on the last day of the twelfth month. Renewal month will remain the same as the original month of issuance. There will be no proration of any license fees.
- (2) Household animal licenses may not be transferred from household to household.
- (c) *Lost license.* In case a household animal license certificate is lost or destroyed, the animal control agency shall issue a replacements license certificate upon receipt of one dollar (\$1.00) from the owner.
- (d) *Fees.* The city council shall establish by resolution the fees to be charged for licensing. This may include provision for the retention of a specific portion of the license fee by persons or organizations designated to sell licenses as reimbursement for the cost of issuing the license. The following fees are applicable to the registration and licensing of dogs and cats harbored in the City of Destin, until amended by the city council:
 - (1) Annual - animal license per household \$10.00
- (e) *Nonapplicability.* The provisions of this section shall not apply to nonresidents who are temporarily within the city for a period not exceeding thirty (30) days.
- (f) *Identification.* In lieu of requiring the purchase of individual dog and cat license tags, person owning or harboring any dog or cat in the City of Destin shall be required to provide a form of current identification which can readily be traced and which will readily identify the owner or custodian of any dog or cat when off the premises of the owner or custodian. Acceptable forms of identification include, but are not limited to, a collar with ownership information affixed thereto, such as a current rabies tag, a personal identification tag, or a clearly visible, traceable tattoo. Failure to provide such identification shall constitute a civil infraction.

(Ord. No. 65.3, § 20, 3-19-90)

Sec. 4-21. - Performing animal exhibitions.

- (a) No person shall conduct, sponsor or participate in a performing animal exhibition, display, circus or rodeo in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment on performing animals shall fit properly and be in good working condition.

(Ord. No. 65.3, § 21, 3-19-90)

Sec. 4-22. - Enforcement of violations.

- (a) Unless otherwise specified herein, a violation of this chapter constitutes a civil infraction which may result in a maximum civil penalty not to exceed five hundred dollars (\$500.00) if contested, or less than the maximum if the person who has committed the civil infraction does not contest the action.
- (b) An animal control officer shall have the discretion for a first violation to issue either a warning citation with no civil penalty, or a citation for a civil penalty with or without a mandatory court appearance as designated in section 4-23.
- (c) Any person cited for an infraction under this chapter shall sign and accept a citation acknowledging receipt of the citation and indicating a promise to appear in county court if such person wishes to contest the charges, or if a mandatory court appearance is required. It is unlawful for any person to willfully refuse to sign and accept

a citation issued by an officer. Violations of this subsection are punishable as provided in section 1-9 of the City Code.

- (d) Any person cited for a violation of this chapter may pay the civil penalty within ten (10) days of the date of receiving the citation. If the person cited pays the civil penalty, he shall be deemed to have admitted the infraction.
- (e) Any person cited for a violation of this chapter constituting a civil infraction may elect to appear in county court on the date and time specified in the citation to contest the citation.
- (f) If a person fails to pay the civil penalty, fails to appear in court to contest the citation, or fails to appear in court as required by section 4-23(c), the court may issue an order to show cause requiring such persons to appear before the court to explain why action on the citation has not been taken. Any person failing to appear in response to the court's directive may be held in contempt of court.
- (g) In the event an animal is impounded for violation of this chapter and the owner of the animal abandons the animal to the animal control agency, the owner remains liable for all fees and penalties imposed.
- (h) Any person issued a citation for a civil infraction for a first violation of section 4-19, "Rabies vaccination required for dogs and cats," or section 4-20, "Per household dog or cat license required," may have the citation dismissed upon presentation to the animal control agency of a valid, current rabies vaccination or household animal license.

(Ord. No. 65.3, § 22, 3-19-90)

Sec. 4-23. - Penalties.

- (a) Unless otherwise specified, any person cited for a civil infraction under this chapter shall pay a civil penalty to the animal control agency in an amount as follows:
 - (1) Twenty dollars (\$20.00) for the first offense.
 - (2) Fifty dollars (\$50.00) for the second offense.
 - (3) One hundred dollars (\$100.00) for the third offense.
 - (4) Three hundred dollars (\$300.00) and mandatory court appearance for the fourth and any subsequent offense.
- (b) Additional civil penalty for animals not spayed or neutered. The owner of any animal impounded for a second time and found in violation of this chapter shall be assessed an additional civil penalty of one hundred dollars (\$100.00) if the animal has not been spayed or neutered. The owner of such animal shall have the option of paying the additional one hundred dollars (\$100.00) civil penalty or, in the alternative, shall have the animal spayed or neutered by a licensed veterinarian within ten (10) days of the violation. If the owner elects to have the animal spayed or neutered, the owner shall present proof upon payment of the fine. The animal control agency upon acceptance of proof of spaying or neutering shall deduct the one hundred dollars (\$100.00) additional civil penalty from the total civil penalty amount.
- (c) A mandatory court appearance is required for aggravated violations of this chapter as follows:
 - (1) The second and subsequent occurrence of unprovoked biting, attacking or wounding of a human or a domestic animal by the same animal or by an animal owned by the same person.
 - (2) The second and subsequent violations involving the destruction or loss of personal property committed by the same animal, or by an animal owned by the same person.
 - (3) The second and subsequent violations of animal cruelty laws by a person.
 - (4) The issuance of a third or subsequent citation to a person for any violation of this chapter.

- (d) Persons required to appear in court pursuant to this section do not have the option of paying a civil penalty instead of appearing in court.

(Ord. No. 65.3, § 23, 3-19-90)

Sec. 4-24. - Use of revenue.

All revenue derived from the fines, penalties and license fees collected under the chapter shall be used exclusively to recover or offset the costs of enforcement and administration of the animal control program and this chapter.

(Ord. No. 65.3, § 24, 3-19-90)

Sec. 4-25. - Civil penalty distribution.

Civil penalties collected pursuant to this chapter by the clerk of circuit court shall be remitted to the City of Destin for deposit in the animal control fund and used to support the costs of the animal control program.

(Ord. No. 65.3, § 25, 3-19-90)

Sec. 4-26. - Dog-friendly dining program.

- (a) *Purpose and intent.* Pursuant to F.S. § 509.233(2), there is hereby created a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments, which exemption procedure may be known as the City of Destin Dog Friendly Dining Program.

- (b) *Definitions.* The definitions listed below, pertain to section 4-26 and its subsections only.

Division means the Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Dog means an animal of the subspecies *Canis lupus familiaris*.

Outdoor area means an area adjacent to a public food service establishment that is predominantly or totally free of any physical barrier on all sides and above.

Patron has the meaning given to "guest" by F.S. § 509.013.

Public food service establishment has the meaning given it by F.S. § 509.013.

- (c) *Permit application process.* Application and fee for a permit under this part shall be made to the community development department, on a form provided for such purpose by the community development department, and shall include, along with any other such information deemed reasonably necessary by the community development department to implement and enforce the provisions of this part, the following:
- (1) The name, mailing address, and telephone contact information of the permit applicant and the subject food service establishment.
 - (2) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of

the designated area and of any other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the community development department. Any dog-friendly dining area established pursuant to this part located on a property adjacent to any public or private beach must be secured such that dogs cannot access the beach from the premises. The diagram and description provided pursuant to this part shall clearly illustrate and describe how dogs shall be prevented from accessing the beach. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

- (3) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.
 - (4) All application materials shall contain the appropriate division issued license number for the subject public food service establishment.
 - (5) An application fee as established by the city council through a resolution.
- (d) *General regulations; cooperation; enforcement; penalty.* In order to protect the health, safety, and general welfare of the public, and pursuant to F.S. § 509.233, all permits issued pursuant to this part are subject to the following requirements:
- (1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling any dog. Employees shall be prohibited from touching, petting, or otherwise handling any dog while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.
 - (2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.
 - (3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.
 - (4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.
 - (5) Dogs shall not be allowed on chairs, tables, or other furnishings.
 - (6) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.
 - (7) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.
 - (8) At least one (1) sign reminding employees of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the community development department, shall be posted in a conspicuous location frequented by employees within the public food service establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in easily legible typeface of not less than twenty (20) point font size.
 - (9) At least one (1) sign reminding patrons of the applicable rules, including those contained in this part, and those additional rules and regulations, if any, included as further conditions of the permit by the community development department, shall be posted in a conspicuous location within the designated

outdoor portion of the public food service establishment. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in easily legible typeface of not less than twenty (20) point font size.

- (10) At all times while the designated outdoor portion of the public food service establishment is available to patrons and their dogs, at least one (1) sign shall be posted in a conspicuous and public location near the entrance to the designated outdoor portion of the public food service establishment, the purpose of which shall be to place patrons on notice that the designated outdoor portion of the public food service establishment is currently available to patrons accompanied by their dog or dogs. The mandatory sign shall be not less than eight and one-half (8½) inches in width and eleven (11) inches in height and printed in easily legible typeface of not less than twenty (20) point font size.
- (11) Dogs shall not be permitted to travel through indoor or undesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment shall not require entrance into or passage through any indoor or undesignated outdoor portion of the public food service establishment.
- (12) A permit issued pursuant to this part shall not be transferred to a subsequent owner upon the sale or transfer of a public food service establishment, but shall expire automatically upon such sale or transfer. The subsequent owner shall be required to reapply for a permit pursuant to this part if such owner wishes to continue to accommodate patrons' dogs.
- (13) In accordance with F.S. § 509.233(6), the community development department shall accept and document complaints related to the dog friendly dining program within the city, and shall timely report to the division all such complaints and the city's enforcement response to such complaint. The community development department shall also timely provide the division with a copy of all approved applications and permits issued pursuant to this part.
- (14) Any public food service establishment that fails to comply with the requirements of this part shall be guilty of violating this part of the Code of Ordinances and shall be subject to any and all enforcement proceedings consistent with the applicable provisions of the Code and general law.

(Ord. No. 10-06-CC, § 3, 6-21-10)

