



**AGENDA
HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE
WEDNESDAY, JUNE 10, 2020
5:30 PM
DESTIN CITY HALL ANNEX COUNCIL CHAMBERS**

- 1. CALL TO ORDER**
- 2. ROLL CALL/PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MINUTES**
 - A) March 11, 2020 Minutes**
- 4. OLD BUSINESS**
 - A) Sunshine & Public Records Law Refresher - City Attorney**

 - B) FY2020 Work Plan Items**
 - C) FDOT Median Landscaping**
- 5. NEW BUSINESS**
 - A) Harbor CRA Master Plan Update**
- 6. COMMITTEE MEMBER COMMENTS/QUESTIONS**
 - A) Jan Best**
 - B. Mike Buckingham**
 - C. Capt. James Green**
 - D. Dr. Mike Raim**
 - E. Capt. Casey Jones**
 - F. Sandy Trammell**
 - G. Dr. Barbara Mizell**
- 7. PUBLIC COMMENTS**
- 8. DIRECTOR'S REPORT**
- 9. ADJOURNMENT - NEXT SCHEDULED MEETING JULY 8, 2020**

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the City Clerk at (850) 837-4242 at least 48 hours prior to the hearing. If a person decides to appeal any decision made with respect to any matter considered at such meeting, such person will need a record of the proceeding and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. (Sec. 286.0105, Florida Statutes)

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MINUTES

HARBOR COMMUNITY REDEVELOPMENT AGENCY
ADVISORY COMMITTEE MEETING
MARCH 11, 2020 - 5:30 PM
DESTIN CITY HALL BOARDROOM

1. CALL TO ORDER:

Chairman Buckingham called the meeting to order at 5:30 p.m. on Wednesday, March 11, 2020 in the Destin City Hall Board Room.

2. ROLL CALL:

HCRA-AC Members:

Present

Mike Buckingham
James Green
Sandy Trammell
Casey Jones
Mike Raim
Barbara Mizell

Absent

Jan Best

Staff Present

Kim Montgomery, Deputy City Clerk
Traci Goodhart, Planner
Lauren Witt, Principle Planner
Louis Zunguze CD Director

3. MINUTES FOR APPROVAL: February 12, 2020

Motion by Committee member Raim, seconded by Committee member Trammell, the members approved the February 12, 2020 minutes as written with a 5-0 vote. Committee member Mizell not present for the vote.

4. OLD BUSINESS:

• 2020 Work Plans:

Mrs. Goodhart informed the members that so far, she has received two workplan items and asked them to think about projects they want to sponsor. Committee member Raim informed staff he would still like to champion roadway safety on Highway 98 and harbor area parking.

5. NEW BUSINESS:

• Master Plan Update

Mrs. Goodhart informed the members that they need to start working on the Mater Plan for the Harbor CRA-AC District, which was last updated in 2003. In order to align the plan with the Harbor CRA objectives and compare it to the current Comprehensive Plan policies and the vision for the Harbor CRA. As well as align it with where they want the CRA to be in the next 20-years.

She explained further that within the Comprehensive Plan, Policy 1-1.3.4 focuses on the CRA Redevelopment, Infrastructure Goals and Design Enhancements such as:

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- Treescapes,
- Streetscapes
- Amenities
- Enhanced signage
- Intersection improvements
- Development of Capt. Royal Melvin Heritage Park and Plaza
 - This will be removed when the plan is updated
- Land Acquisitions for offsite parking facilities
- Bayside Boardwalk Continuance
- Continuance of Pedestrian Environment Improvements

With that, staff is recommending the members to ask Council to direct staff to update the Harbor Master Plan.

Committee member Green made the motion for the Harbor CRA-AC to recommend City Council direct staff to update the Harbor Master Plan per the components outlined in Policy 1-1.3.4 of the Comprehensive Plan. And further, to prioritize an offsite parking garage or a solution to the parking needs of the city.

There was a lengthy discussion regarding the deficit of parking in the district and the rift that it is causing with the property owners that needs to be remedied. Especially in terms of the outdoor dining which has largely increased the problems.

The Chairman asked Committee member Green how he sees a solution to the current parking problems.

According to Committee member Green, the synergy of the Festive Market Place is to get the people down to the harbor area. And once charging for parking started other businesses started charging as well and to him, it goes against the idea of the Festive Market Place. Adding that it's more of a regressive ideal instead of a progressive one.

Committee member Trammell spoke of how this needs to be a work plan item with the discussed issues included as bullet points to be addressed.

The Chairman asked Mr. Zunguze to provide some insight with his extensive background on ways to bring in stakeholders from the community to provide input.

Committee member Trammell added that bringing in the stakeholders should be included as one of the elements of the work plan. And an action to get where they need to be.

According to Mr. Zunguze first off its imperative to get the Master Plan updated first and then work towards the goals of their work plans, which would be Governed by their Master Plan. And in that, they can identify the high profile projects that they need to address.

The Chairman called for the vote and the motion passed with a 6-0 vote.

6. DIRECTORS REPORT:

- **Harbor Capacity Study**

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Mr. Zunguze informed the member that only one more person is needed to have a full committee appointed, with the last person being nominated at the upcoming Council meeting. He told them he will share the entire committee's makeup at their next meeting. Adding that they are finalizing the survey and staff has had several conversations with the ACOE to ensure they are all on the same page as far as the focus of the study and what will be covered.

- **Land Development Code Overhaul**

Mr. Zunguze informed the members that staff will start working on Chapter 8, Transportation, which includes parking.

7. **ADJOURNMENT:**

Having no further business at this time, the meeting was adjourned at 6:00 PM.

Adopted and approved this ____ day of _____ 2020.

Mike Buckingham, Chairman

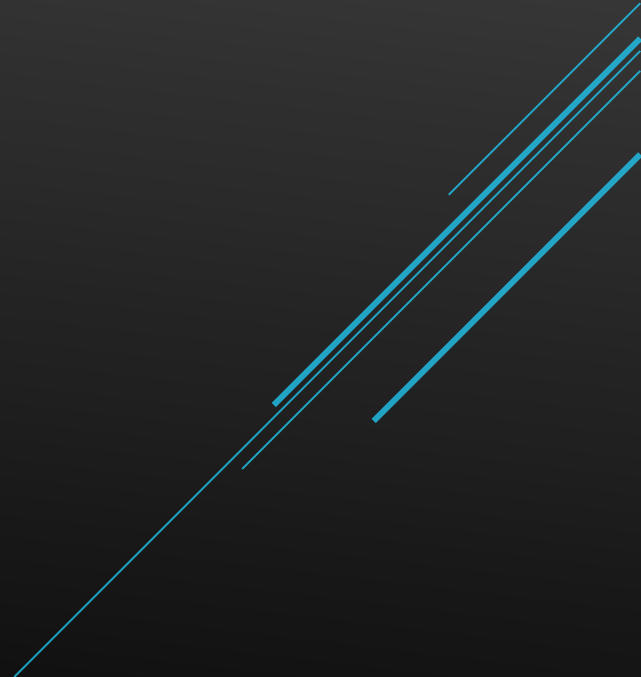
Kim Montgomery, Deputy City Clerk

RESOLUTION 19-27

The City of Destin's Enhanced Public Records
Policy



BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ In addition requirements set forth in Florida Statutes, the City has had in place additional, internal requirements and protocols since 2009 relating to public records and how to handle public record requests. These policies help ensure that the law is adhered to and that the City's goal of full transparency is met.
 - ④ See, Operating Instruction ADM-05; Operating Instruction ADM-35; Operating Instruction ADM-56.
 - ④ These policies were legally sufficient and represented more stringent requirements than those in place at most state agencies and local governments. In fact, most state agencies and local governments do not have any written policy in place and rely strictly on Chapter 119, Florida Statute. See, The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9).
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BRIEF HISTORY OF THE CITY'S PUBLIC RECORDS POLICIES

- ④ While legally sufficient, the City's internal Public Records Policies were disjointed and located in separate locations, making compliance more difficult than necessary.
- ④ The attorneys and City staff identified this as an area that could be strengthened and made more efficient by adopting a new policy containing all internal requirements in a single location and strengthening mechanisms already in place beyond those found in Chapter 119, Florida Statutes.
- ④ On November 4, 2019, the attorneys and City staff presented Resolution 19-27 for Council's consideration and Council adopted the Resolution in its entirety.
- ④ Resolution 19-27 is substantially similar to the City of Tallahassee's policy, which legal scholars believe is the "model template for other agencies and local governments to adapt and apply." The Florida Public Records Act in the Era of Modern Technology, Ralph A. DeMeo and Lauren M. DeWeil (Florida Bar Journal, Vol. 92, No. 9)

EMAILS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ Use your @cityofdestin email address for all correspondence relating to City business. (D.05).
- ④ If you receive an email at your private email address, then immediately transfer it to your @cityofdestinemail address. (D.05)

Don'ts

- ④ Use any other email address for any correspondence relating to City business. (D.05)
- ④ Using your private email address for City business may subject that email address to public records requests.

TEXT MESSAGING & OTHER FORMS OF INSTANT, WRITTEN COMMUNICATION (E.G., DIRECT MESSAGES ON FACEBOOK, TWITTER, INSTAGRAM, SKYPE, ETC.) -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you receive or send a text message from your private phone, then you must transmit the text message to your @cityofdestin email address. (D.06)

Don'ts



SOCIAL MEDIA ACCOUNTS -- DO'S AND DON'TS FOR APPOINTED OFFICIALS

Do's

- ④ If you maintain social media accounts, then you must maintain all public records relating to your board or committee on such accounts. (D.07).
- ④ If you maintain accounts and the City receives a public records request, then you must thoroughly search your account and produce any responsive material to the City Clerk. (D.07)

Don'ts

- ④ Delete any social media account relating to the business of your board or committee. (D.07, E.01)
- ④ Delete any public or private message that you may have created or received from any individual or entity relating to the business of your board or committee. (D.07, E.01).

COMMENTS/QUESTIONS

A decorative graphic consisting of several parallel white lines of varying lengths, slanted diagonally from the bottom-left towards the top-right, located in the lower right quadrant of the slide.

Sunshine Law Handout

Anchors Smith Grimsley, PLC
Kyle S. Bauman, Esq.
City of Destin City Attorney

Office #: (850) 863-4064
Cell #: (850) 585-4775
email: kbauman@asglegal.com

Last Updated: June 2020

****** This Handout is intended to be used as a basic overview of the Sunshine Law and no Board or Council Member should rely on it when taking specific actions which may be impacted by the Sunshine Law. Please contact me and City staff if you have specific questions before taking action and we will respond to you as quickly as possible. ******

The 2018 Government in the Sunshine Manual can be found at:

[http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/\\$file/2018+Government+in+the+Sunshine+Manual.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AXJGEU/$file/2018+Government+in+the+Sunshine+Manual.pdf)

Laws can be found at:

<http://leg.state.fl.us/>

WHAT IS THE SUNSHINE LAW?

- Two interrelated but separate laws are colloquially referred to as the “Sunshine Law”:
 - **(1) Public Records Act** – Chapter 119, Fla. Stat. (2018)
 - Primary Purpose: Provide the public “a right to access to the records of the state and local governments as well as to private entities acting on their behalf.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0119/0119ContentsIndex.html&StatuteYear=2018&Title=%2D%3E2018%2D%3EChapter%20119
 - **(2) Government in the Sunshine Law** – § 286.011, Fla. Stat. (2018); Art. I, § 24, Fla. Const.
 - Primary Purpose: Provide the “public a right of access to governmental proceedings of public boards or commissions at both the state and local levels.”
 - http://leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0286/Sections/0286.011.html
- Florida has arguably the broadest, most “public-friendly,” laws in the entire country and you immediately became subject to these laws the second you were appointed to this Board.

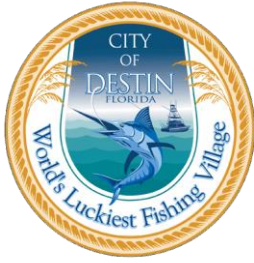
THE PUBLIC RECORDS ACT

- Lengthy statute, but application to advisory boards is relatively simple.
- General Rule: Any record you generate or receive in connection with your role on a City board is a public record and any member of the public has the right to request to view these records at any time. *See* Inf. Op. to Nicoletti, November 18, 1987.
- What is a “public record”?
 - “All materials used or received in connection with official business *used to perpetuate, communicate, or formalize knowledge.*”
 - “Public Records” are *very* broad, essentially including *any* written document and most non-written material. For example:
 - Physical documents such as: “papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software.” § 119.011(12), Fla. Stat. (2018).
 - Electronic documents such as: emails, documents generated in word processing software (including this Handout!), text messages, etc.
- Are there any exemptions?
 - Yes, there are lengthy exemptions listed in the statute, however, most of these will **not** apply to advisory boards. These exemptions are sometimes complex and heavily litigated.
 - Therefore, if the City receives a public records request and City staff asks you to turn over public records related to the particular subject contained in that request, do **not** try to determine by yourself whether the document is (a) a public record; and (b) whether an exemption is applicable. Instead, contact my office and City staff and allow us the opportunity to review the record.
 - **If the “public record” is located on my personal device is it exempted?**
 - **NO! This is a common misconception. Just because something is located only on your personal device does not mean that it is exempt.** The inquiry is whether the item is “used to perpetuate, communicate, or formalize knowledge” relating to City business, and where this information is located is irrelevant.
- What happens if I violate the Public Records Act?
 - **Knowing Violations** are a first degree misdemeanor, punishable by removal from office, up to one year in prison, and/or a \$1000 fine.
 - “**Non-knowing Violations**” are non-criminal but still subject to a \$500 fine.
- Rules of Thumb: **When you generate or receive any document relating to your position, always presume that the document is a “public record” that will eventually be subject to the public’s view. Also, if you generate receive a “public record,” retain it and do not destroy it to ensure compliance with the Public Records Act.**

GOVERNMENT IN THE SUNSHINE LAW

- Shorter statute, but it has generate tons of litigation and its application to advisory boards is more impactful than the Public Records Law.
- Basic Sunshine Law Requirements:
 - (1) “Meetings” of public boards or commissions must be open to the public;
 - (2) Reasonable notice of these meetings must be given to the public; and
 - (3) Minutes of the meetings must be taken, promptly recorded, and open to public inspection.
 - Most of these you do not need to worry about because City staff ensures compliance. Your primary concern is making sure that “meetings” do not take place outside publicly noticed meetings.
- What is a “meeting”?
 - The Sunshine Law defines “meeting” *very* broadly to include:
 - (a) informal meetings of two or more members; and
 - (b) electronic communications between two or more members regarding any foreseeable matter which could come before the board.
- Examples of specific scenarios:
 - One member sends a text message to another board member saying he is “against agenda item 2(b).”
 - This is an obvious but important example of strictly forbidden actions.
 - One board member sends an email to another board member’s husband stating that he is “against agenda item 2(b).”
 - Also likely a violation. You cannot use an intermediary to do indirectly what you cannot do directly.
 - One board member sends an email to City staff explaining why they are “against agenda item 2(b).”
 - Because staff are not elected or appointed officials, this communication is likely ok. If, however, you have reason to believe staff might disclose this information to other board members, then it is a violation.
 - One board members emails strictly factual information regarding item 2(b) to other board members.
 - Likely, it is technically ok to share strictly factual information directly with each other, however, because of how the information could be interpreted it is strongly discouraged. The better practice is to ask staff to include the information in the Agenda material.
 - Two board members carpool to a meeting.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board.
 - However, because of the possible appearance of impropriety, these types of actions are discouraged.
 - Two board members are at the same charity event.
 - This is ok, so long as you do not discuss any matter which foreseeably could come before the board with the other board member.
 - The board took official action on agenda item 2(b) at a publicly noticed meeting. After the meeting, two board members discuss agenda item 2(b).

- Because boards have the inherent authority to change their positions on items at any time it is “reasonably foreseeable” that the item might come before the board again and, therefore, this type of action is strongly discouraged.
- What happens if I violate the Government in the Sunshine Law?
 - **Knowing Violations** can result in 2nd degree misdemeanor charges, with penalties up to 60 days in jail and up to a \$500 fine.
 - **“Not-knowing” Violations** are non-criminal but still subject to a fine of up to \$500.
 - Also, failure to comply could **void the board’s actions** relating to the subject matter of the violation.
- Rules of Thumb: **Always err on the side of caution and, outside of publicly noticed meetings, do not engage in any discussions or communications with other elected or appointed officials regarding pending matters before your board or any reasonably foreseeable matter that might come before your board. Also, generally it is ok for you to privately communicate with City staff and City attorneys regarding such matters provided there are no other elected or appointed city officials present or copied on the communication.**

**COMMUNITY DEVELOPMENT DEPARTMENT****AGENDA ITEM****HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE****MEETING DATE:** June 10, 2020**TYPE OF AGENDA ITEM:** Staff Report

TO: Harbor Community Redevelopment Agency Advisory Committee
(Harbor CRAAC)**THRU:** Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney
Lauren Witt, Principal Planner**FROM:** Traci Goodhart, Planner
Sam Brisolaro, Planner**DATE:** June 1, 2020**SUBJECT:** FY 2020 Work Plan Items

BACKGROUND:

The Harbor CRA Advisory Committee is tasked with reviewing and updating the Harbor CRA Work Plan items annually to ensure items continue to meet the requirements outlined in **Policy 1-1.3.4 – Harbor CRA Redevelopment, Infrastructure, and Design Enhancements**.

In the City's Comprehensive Plan, **Policy 1-1.3.4** focuses on the Harbor CRA redevelopment, infrastructure, and design enhancements to include the following components:

- Streetscape amenities, enhanced signage, and intersection improvements
- Develop Captain Royal Melvin Heritage Park and Plaza
- Land acquisition of off-site parking facilities
- Continue implementation of Harbor and Bay Boardwalks
- Continue implementation of neighborhood and pedestrian enhancements

DISCUSSION:

FY2019 Work Plan Items

1. Royal Melvin Park – *completed*
2. Harbor Parking Improvements – *continued*
3. Improved Harbor Regulations - *continued*
4. Update Harbor CRA Master Plan – *continued*

Proposed FY2020 Work Plan Items

1. Harbor Stormwater Mitigation Plan – *Trammel*
2. Harbor Median Landscape Plan – *Buckingham*
3. Feral Cat Population – *Mizell*
4. Review & Update Harbor CRA Master Plan

STAFF RECOMMENDATION:

Staff recommends carrying over the remaining items from FY2019 to the FY2020 Work Plan. In addition, Staff recommends Advisory Committee members identify and prioritize four (4) work plan items to be included in the FY2020 Work Plan.



COMMUNITY DEVELOPMENT DEPARTMENT

AGENDA ITEM

HARBOR COMMUNITY REDEVELOPMENT AGENCY ADVISORY COMMITTEE

MEETING DATE: June 10, 2020

TYPE OF AGENDA ITEM: Staff Report

TO: Harbor Community Redevelopment Agency Advisory Committee
(Harbor CRAAC)

THRU: Louis Zunguze, Community Development Director
Kyle Bauman, City Attorney
Lauren Witt, Principal Planner

FROM: Traci Goodhart, Planner
Sam Brisolara, Planner

DATE: June 3, 2020

SUBJECT: FDOT Median Landscape Project

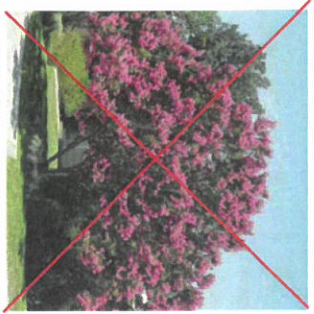
BACKGROUND:

At the May 4, 2020 City Council meeting, the Council expressed their intent to write a Letter of Support to the Florida Department of Transportation (FDOT) for the revitalization and beautification of the City's medians from East Pass Bridge to Airport Road. The FDOT provided a list of approved plant candidates to City Council. City Council removed 3 of the 11 plant candidates for consideration (see attachment).

DISCUSSION:

Staff requested CRA Advisory Committee Members to provide their suggestions for plant candidates. Below are the results:

- Muhly Grass – 4
- Live Oak – 4
- Purple Pixie Loropetalum – 3
- Ligustrum – 1
- Little Gem Magnolia – 1
- Dwarf Holly – 1
- Jasmine – 0



GRAPE MYRTLE



SABAL PALM



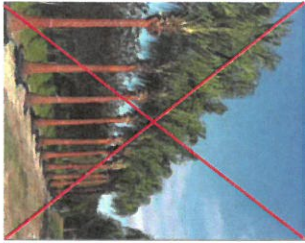
MUHLY GRASS



MINIMA JASMINE



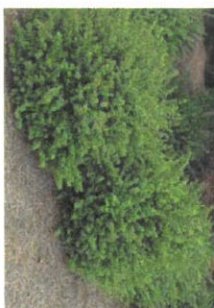
LIGUSTRUM



RIBBON PALM



PURPLE PIXIE LOROPETALUM



SCHILLINGS DWARF HOLLY



LIVE OAK
(if current design standards and existing conditions allow)



LITTLE GEM MAGNOLIA
(if current design standards and existing conditions allow)



LIRIOPE



CANDIDATE PLANT SPECIES
APRIL 2020

SR 30 (US98) HARBOR BLVD LANDSCAPING

CITY OF DESTIN
FPID: 445907-1





Office of the Mayor

4200 Indian Bayou Trail | Destin, FL 32541 | Phone: 850-837-4242 | Fax: 850-837-3267 | www.cityofdestin.com

Dustie Moss
District Landscape Project Manager/
District Wildflower Coordinator
Florida Department of Transportation (FDOT)
(via email)

May 5, 2020

RE: FPID: 445907-1-52-01 SR 30 (US 98) from Harbor Boulevard to Airport Road

Ms. Moss:

Please accept this letter as the City of Destin's commitment to maintain the landscape along SR 30 (US 98) from Harbor Blvd to Airport Road. We understand this project has a \$1,000,000.00 construction funding budget and will let in March 2021. We also understand once constructed, a two-year establishment will be in place by the contractor and once that two-year period has passed, the City of Destin will assume maintenance. Prior to construction it is our understanding a legal Maintenance of Agreement (MOA) will be sent to the City for review and approval.

We are excited about the opportunity to landscape this corridor and are committed to maintenance. If you have any questions or need any additional information, please do not hesitate to contact me.

Respectfully yours,

A handwritten signature in black ink that reads 'Gary Jarvis'.

Gary Jarvis
Mayor
Destin, FL