

**MINUTES
REGULAR MEETING
DESTIN CITY COUNCIL
NOVEMBER 18, 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 Manager Catherine Card
Code Compliance Manager Joey Forgione
Community Dev Director Louis Zunguze
Public Services Director Michael Burgess
City Land Use Attorney Kimberly Kopp

City Clerk Rey Bailey
Deputy City Manager Webb Warren
Finance Director Bragg Farmer
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; followed by the recitation of the Pledge of Allegiance.

AGENDA APPROVAL

Motion by Councilmember Destin, seconded by Councilmember Marler, 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 November 8, 2019 Special City Council Meeting

Councilmember Marler moved for approval of minutes of November 8, 2019 Special City Council Meeting; seconded by Councilmember Destin. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted "yes").

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

Mr. Brian Daresta, a Destin resident, noted that short-term rental is prohibited in low density residential; however, it is being allowed on Holiday Isle but not in any other low-density residential. He stated that if short-term rental is allowed on Holiday Isle, it should be allowed everywhere else as long as they are registered with the City. He continued he could rent part of his house while still living in it; and make sure the people stay in the guestroom and park in his driveway and not create a huge mess and hold massive parties.

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

4. CITY MANAGER REPORTS

A. FY2019 Year End Budget Amendment

Finance Director Bragg Farmer explained this is the final budget amendment for Fiscal Year 2019. It is used as a housekeeping tool to ensure that revenues and expenditures are balanced at year-end allowing the City to close out the fiscal Year 2019 budget.

Councilmember Overdier moved for approval of Resolution 19-26; seconded by Councilmember Ramswell.

Councilmember Menchel noted there was an entry in the report for additional money for PAWS. He asked what the money was for since they just approved the contract with PAWS.

Mr. Farmer explained that PAWS charges the City a standard fixed amount for their regular services during the week; however, there is a \$70 or \$75 fee per trip to the City on weekends which could exceed their normal budget. He added they normally budget additional dollars for the weekend fees, but it exceeded what they budgeted this fiscal year.

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").

B. Contract Management

The City Manager announced that executive staff has been conducting an internal review of existing protocols and procedures associated with efficiently managing City contracts for goods and/or services. This review has identified opportunities for improvement within the organization that will help ensure services are being performed and invoiced in compliance with the terms of the contracts and are fulfilling the original intent for soliciting the goods and/or services. Updates will include internal processes to verify contractor compliance with all terms and expectation as well as routine reviews being completed by the Finance Department.

C. Comprehensive Plan Evaluation and Appraisal Report (EAR) Update

Community Development Director Louis Zunguze provided the following update on the Comprehensive Plan Evaluation and Appraisal Report (EAR) pursuant to Florida Statute requirements:

- The City of Destin is required to amend the Coastal Management Element, per requirements of Section 163.3178, Florida Statute, to include:
 - ❖ A review and appraisal of the current Coastal Management Element
 - ❖ Update the current Coastal Management Element based on new Florida Statutes
 - ❖ Adopted amendments to be submitted to the State by February 19, 2020
- Timeline
 - ❖ February 14, 2019 – City submitted a Letter of Notification to the State Department of Economic Opportunity
 - ❖ September – November 2019 – City staff commenced review of current Coastal Management Element
- December 12, 2019 – Staff to present recommendations to the LPA
- January 6, 2020 – LPA approved recommendations to be presented to the City council for public hearing (first reading)
- February 2020 – Adopted changes sent to the State Department of Economic Opportunity (DEO) for review (60 days)
- Second reading – To be determined pending State review

D. Announcements:

The City Manager made the following announcements:

- City facilities will be closed on November 28 and 29 in observance of the Thanksgiving holiday
- 33rd Annual Christmas Tree Lighting will be held at the Destin Community Center on Thursday, December 5, 2019, at 6 pm.
- 35th Annual Christmas Parade will be held on Saturday, December 14, 2019, at 10 am. This year's theme is "Santa's Workshop." Applications will be accepted until Friday, December 6, 2019
- Boat Parade will be held on December 15, 2019, at 6 pm, in the Destin Harbor
- Shifting the Engineering Division under Community Development Department will physically take place the week of December 2, 2019
- To get committee information to Council in a timelier manner staff will start placing draft committee meeting minutes on the Council's consent agenda for informational purposes.

5. PUBLIC HEARINGS

A. Second 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 (MDR-V) to Residential, Office Institutional Village Residential (ROI--VR).

The City Attorney ready 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 and turned the matter over to the City Council for their discussion and consideration.

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

B. Second 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 and turned the matter over to the City Council for their discussion and consideration.

Councilmember Ramswell moved for approval of proposed Ordinance 19-33-LC on second reading; seconded by Councilmember Marler. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

C. First reading of Ordinance 19-31-LC - Relating to changes to the Zoning Map, which changes the zoning district of one parcel to match the land use designation assigned in the Future Land Use Map of the Comprehensive Plan.

The City Attorney read proposed Ordinance 19-31-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 DESIGNATIONS OF THE PARCELS DESCRIBED AND GENERALLY DEPICTED IN THE ATTACHED EXHIBIT A FROM RESIDENTIAL, OFFICE, INSTITUTIONAL-TOURIST DEVELOPMENT (ROI-TD) TO COMMERCIAL GENERAL (CG); 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 City Attorney sworn in the following individuals for testimony:

Louis Zunguze
Trey Goodwin
Ken Metcalf

According to the Land Use Attorney, the Community Development Department received an application for a Zoning Map amendment from Guidry Properties on August 14, 2019. The property is located on south of Emerald Coast Parkway East of Kel-Wen Circle and West of Regatta Bay Blvd. The applicant has submitted the application to align the properties' zoning designation of Residential, Office, Institutional – Tourist Development (ROI-TD) to the Future Land Use Map designation of Commercial General (CG). If the zoning request for the subject property is approved, any future development on the subject property or other property within the zoning district would be held to the standards set forth by Ordinance 19-25-LC, which provides increased buffering for properties adjacent to existing residential uses or residential zoning districts.

Mr. Trey Goodwin, representing Guidry Properties, LLC, stated that this application would bring the parcel's zoning into conformance with its Future Land Use CG designation. He continued that the City staff and Council have worked hard on revamping procedures for handling commercial zoning and future commercial zoning development orders. This would allow the City to have

additional control and provide protection for adjacent parcels such as increased buffering. They also understand they would be subject to these requirements if their application is approved.

Councilmember Ramswell asked if there were any development plans in place associated with this application.

Mr. Goodwin noted that the property is actively marketed for sale; and that based on market research, the owner believes that it is more valuable with a Commercial-General zoning than it is with its current zoning. The owner elected to move forward for this reason.

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

Ms. Carrie Harbarger, a Destin resident, pointed out that Mr. Goodwin is also a County Commissioner, and whether it is appropriate for him to represent clients to develop.

The City Attorney noted that Mr. Goodwin is also an attorney.

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

Councilmember Braden moved for approval of proposed Ordinance 19-31-LC on second reading; seconded by Councilmember Ramswell.

Councilmember Marler announced he would abstain from voting as he is employed by the company owned by the applicant.

Motion passed 6-0 (Council members Morgan, Destin, Overdier, Menchel, Ramswell and Braden voted “yes”; Councilmember Marler abstained from voting).

D. Innerlight Engineering, on behalf of Dunavant Gulf, LLC is requesting approval of a Major Subdivision and Major Deviation to a Major Development Order identified as “Henderson Beach Resort 7th Amendment.” The proposed development consists of condominium units, townhomes, restaurant space, office space, workforce housing, conference center, office space for the existing hotel expansion, wooden deck added to the existing Henderson Lofts, maintenance facility, a boutique area, event lawn, and pool amenity. The proposed project is generally located West of Matthew Blvd, North of Scenic Hwy 98 and South of Emerald Coast Parkway. The total site area is 14.40 acres, more or less

The City Attorney sworn in the following individuals for testimony:

Louis Zunguze
Stephen Tatum
David Smith

Mr. David Smith from Innerlight Engineering Corporation representing the property owner, Dunavant Gulf, LLC, provided a brief overview of the application. He stated that Henderson Beach Resort was approved as a tier 1 development on June 3, 2014. There have been two buildings that have been constructed since that time – a 171 room hotel and a 54-unit condominium. There have also been 6 amendments to the development order for Henderson Beach Resort, and they are proposing a 7th amendment tonight. Referencing a copy of a site plan, Mr. Smith provided a brief overview of the approved 6th amendment to the development order as well as the proposed 7th amendment. He pointed out that the 7th amendment proposes 52 less units and 6,772 less square feet of commercial use than the approved 6th amendment.

Councilmember Morgan asked if the units on the west side of the property are going to be long-term residential units.

Mr. Smith replied they would all be short-term residential units.

Councilmember Braden noted that the perimeter of the building located on the Gulf side is not changing; it would just be an interior change. He asked what has to be done internally.

Mr. Smith stated it would be conversion from residential units to hotel rooms, plus additional parking.

Councilmember Ramswell asked if Dunavant Gulf LLC own the piece of property located on the south side of the US Hwy 98 and Matthew Blvd. intersection, adding there might have been a hotel at that location at one point.

Mr. Smith replied that Dunavant Gulf LLC does not own that parcel.

Councilmember Ramswell noted that the report did not include the 5th and 6th amendment for the resort for the Council to review.

Mr. Zunguze would provide copies of the amendments to the Council.

The Mayor opened a public hearing to receive comments for or against the proposed amendment to the development order. Having none, the Mayor closed the public hearing and turned the matter over to the City Council for their discussion and consideration.

Councilmember Ramswell moved for approval of the Major Deviation to an existing development order and Major Subdivision identified as “Henderson Beach Resort Amendment 7”; seconded by Councilmember Braden. Motion passed 7-0 (Council members Morgan, Destin, Marler, Overdier, Menchel, Ramswell and Braden voted “yes”).

6. CONSENT AGENDA

- A. Airport Road Update
- B. Development Review System Software Update

Councilmember Menchel asked that Consent Agenda item 6A be pulled for discussion.

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

Councilmember Menchel moved for approval of Consent Agenda item 6A; seconded by Councilmember Ramswell.

Councilmember Menchel inquired as to the status of the guardrail system for Airport Road.

The City Manager noted that at the December 2, 2019 meeting, the Public Services Director Michael Burgess will bring forward a recommendation for Council’s approval to have one of the City’s continuing services engineers to look at the design and build the guardrail system. He continued they were not prepared to do it tonight as they do not have a contract in hand.

Councilmember Ramswell asked what the next step is to get a more permanent or long term, and a better system to increase the safety level on Airport Road.

The City Manager noted that the high friction surfacing is the number one deterrent the FDOT plans to use when they start their work on the Airport Road project, along with some additional signage.

Mr. Burgess stated that a few meetings ago, Council authorized the Mayor to send a letter to FDOT requesting termination of the LAP agreement for Airport Road, and that they received confirmation from FDOT that the program has been terminated. Since the project is no longer under a LAP type program, it has been transferred over to the Safety Engineering Office at District 3. He will get in touch with the project manager and provide substantive updates to the City Council on the project every two weeks.

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

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

A. Councilmember Braden

Councilmember Braden announced the passing of Mr. Maurice Shackelford, a long-time resident of Destin.

Councilmember Braden asked for an update on landscaping and sprinkler systems on the medians located between Airport Road and the Marler Bridge.

Mr. Burgess noted that most of the irrigation system is down; either the items have been removed or damaged. He stated they have not received any plans, emails or anything to that effect from District 3; however, they have contacted their landscape project manager and he would notify the Council once they receive new information.

Councilmember Braden announced he has spoken with the landscape project manager with FDOT and learned that the landscaping project is not going to start until the year 2021. There are no plans to redo all the landscaping, but only to enhance what is already in existence; and so, the City needs to preserve existing landscaping. He also stated that the Okaloosa County project manager has previously instructed CW Roberts to contact the City and let them know they could turn the sprinklers back on since the asphalt work has already been completed to try to preserve the landscaping

The City Manager would investigate conflicting information the City previously received from FDOT that once construction commences, FDOT contractors will take over maintenance of all the medians to include irrigation, mowing and trash.

Mr. Burgess will obtain status on the \$1.16 million identified in the TPO's Transportation Improvement Program for landscaping improvements.

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

The City Manager stated the position had been advertised. They have received 4 applicants so far, and that he is in the process of reviewing the applications and start scheduling interviews.

B. Councilmember Ramswell

According to Councilmember Ramswell, he was informed by a member of the Public Works and Safety Committee that the committee has requested to be placed on tonight's agenda to present the half-cent sales tax findings but never heard anything back from the committee liaison. She requests this item be placed on the next meeting agenda.

Councilmember Menchel suggests they instruct each committee chair that going forward, to contact the City Clerk anytime they want to be placed on the City Council agenda.

Councilmember Ramswell requests they hold a special session or an executive session to discuss litigation expenses regarding public records.

After a brief discussion, the Council reached a consensus for the following to be announced at the December 2nd Council meeting:

"Special Executive Session of the City Council in the case of Pointe Mezzanine, LLC vs. City of Destin, Case # 2019-CA-003733 F in Okaloosa County Circuit Court will be held on Monday, December 9, 2019, at 5:30 pm, in the City Hall Annex Council Chambers."

C. Councilmember Menchel

1) APT Contract

Councilmember Menchel read the following written statement for the record.

Over the past several months, I have numerous people accused me of showboating, hotdogging, grandstanding simply due to the fact that I ask questions, and don't just rubber stamp materials put before me. Trust me, if that's what you think after tonight, I'll probably get an academy award. One of my favorite saying is don't let the facts get in the way of a good story. So, here's a fact: after I'm finished with this presentation, when someone asks what got him so worked up, or why he's mad, the simple fact is, I'm not mad at all. I'm doing the job I was elected to do and also setting the record straight. It's that simple. It's very important for all of us to understand that the purpose for any investigation is to prove or disprove an allegation. It is just important to prove a person innocent as it is to find him guilty. All of us sitting up here have our own skill set. Most of you know for 38 years I was a federal agent. My job was to conduct investigations, and when necessary, make arrests and seizures. Twenty four of those 38 years I served as a senior manager with responsibilities far greater in number and scope than the City of Destin. Although we all face many challenges, trust me, if we work together as a team, we can and will move this great city forward. At some point in time, I hope some of you finally understand that when I make a definitive statement, I have the facts to back it up. Over the years sitting out in the audience, know sitting up here, I've heard statements evolving around making decisions base on political reasons. If I vote for this or that, it will hurt me politically, etc. I don't vote or make decisions based on politics, and if you are not happy with what I do, then at the next election vote me out. Over the years sitting in the audience, and now up here, I've also repeatedly heard Council members provide information and have watched the staff, in some cases, have disrespected that, paid or little or no attention, and/or totally dismissed the information that was provided by the Council members. As a recent example, numerous times this year, Dr. Ramswell has provided information from State documents, PD&Es, studies and various other documents that clearly state 4 lanes associated with the crosstown connector. But, as previously stated, her information was dismissed and ridiculed by many. I stated earlier this year that I asked the City Clerk for countless documents to educate myself on the crosstown connector so that I could make an informed decision. And due to the lies that some gave me, was the sole reason I voted no against the project. My job here is to represent the people. To make sure we are good steward of the City's money, and to give the City Manager the tools he needs to do his job. I have sat here and listened as State officials lie directly to us. I've caught them later in lies and follow-up emails. I have had staff misrepresent the facts or lie, and these types of actions cannot and should not be tolerated. I have observed staff once a problem is identified work on future corrections but failed to fix the original problem. This is akin to shutting or

nauling a barn into a shut after the cattle got out to make sure it never takes place again but failing to go retrieve the cattle that escaped. Let me be very clear on this point. I know as a Council member I only have the authority to hire or fire a couple of staff members. But understand this loud and clear, if it ever got to the point the Council ever consider removing the City Manager, although I can't fire any other employee, I can certainly move forward to de-fund positions. It is plain and simple; it is time to work together as a team and get things done. I also strongly urge any staff member, again a big if, if anybody has any information regarding any irregularity, now is the time to bring this forward to the attention of the City Manager. After an audit or an investigation is completed, and if an issue is identified that involves a person, is the wrong time to come forward. Again, if anybody has any information now is the time to speak with the City Manager. We all want to move forward and we want the best for this City. But, I have said many times until we cleaned up the sins of the past, we will not be able to move forward, With that said, as I continue; and this is going to be the most important thing I'll say out of all these, It should be noted the mistakes, be they honest or otherwise, issues concerns raised herein are not directed toward the majority of our hard working City employees. Moving forward, even though some may this is giving the City another blackeye, our management team and this City Council are going to be judged on how we move forward to correct the issues that have already been identified, and any additional mistakes, issues and concerns discovered during this process. So, let's get started. As many of you know, 6 weeks ago, this Council was presented a bunch of continuing services contracts which based on several issues were pulled off the consent agenda for discussion. I asked the staff to provide me with documents regarding the APT contract and the following email was presented from one staff member to another. I'll also point out that tonight, item 4B is a step in the right direction for the future; but we have been asking specific questions about the APT contract since before Halloween and we have yet to get an answer. A staff member wrote this to another staff member: 'Attached is the most updated version of Mr. Menchel's request. Upon review of the last several years, APT has missed a few items included in the contract bid. First of all, all of these items in yellow are the items that were missed., and that is certainly more than a few. We have spoken with APT and the missed items are being corrected immediately. We need to amend the contract to clear up some of the verbiage and amend the requirements to some of the facilities. For example, the City Hall Annex does not have a sprinkler system and so it needs to be amended on the contract.' And it goes on. I asked City staff and you all have received an initial packet of information/ invoices. That original packet was 60 pages in depth. In the entire thing, all of the amounts and services were all redacted. Why was it redacted? Why would we get something like this that is useless? The first packet we got was 60 pages with everything being redacted. I turned around and said I'd like the un-redacted 60 pages. We turned around and got a second packet this week, and that packet was 58 paged, not 60, Of those 58 pages, 6 of them were duplicates. Of the 58 pages, 22 of them did not correspond. We didn't get packet for packet. So again, we have nothing to correspond with. Here are some questions, again, we may or may not have answers tonight. But we have been waiting since before Halloween for some simple answers and we haven't gotten them. I know we're going to move forward and correct it. City Manager

talked about that in item 4B. Again, that is taking care of future problem, but we still have not address the main issue. First of all, here's a partial list of questions. Who redacted the information? The multi-colored spread sheet we got in response to this is full of errors. It's error upon error, upon error. We can't keep producing information and provided to us that have so many errors. Apparently, nobody reviewed it or looked at this stuff going out. The contract that says 'changed contract no sprinkler backflow at City Hall Annex' and there are several other staff observations or errors that were discovered based on my series of questions, this speaks to a host of mistakes. Again, be they honest or otherwise, systematic failure and gross mismanagement of these contracts. They're not being reviewed. We have multiple years of services not being performed and nobody caught it. Again, moving forward, we've taken some corrective action, but I sat here tonight waiting to hear answers about APT and we got none. Moving forward, the City Manager is working on establishing a new policy and procedures to correct the issues and problems that we've discovered. We need to identify any other sins of the past that require corrective action. If this contract is chalked with these many errors, and let me make sure everybody understands this, you have not heard, and you will not hear me make any allegation of any type of criminal activity. I have not said that. I don't know what I don't know, and I'm not going to make that type of statement. It may be straight up laziness, it may be somebody being lackadaisical, or whatever it is, there's a host of problems here. Based on the information supplied by staff, that states in part, 'upon review of the last several years, APT has missed a few items.' Again, it's a lot more than a few. Based on the chart provided by staff, APT again, has missed more of those items. Second, as a result of the missed items over the years, it appears APT has violated the terms of their contract and should be held in default of that contract. We should immediately start the process of rebidding our security contract. We can't allow a company to have these many mistakes and nobody is taking any action. Simply put, we don't know what we don't know. Again, I'm going to emphasize, I'm not saying, haven't said and won't say, I'm not making any allegation about any criminal activity. It could be a simple sloppiness. The procedure that we didn't have in place we're going to put in place; but nobody has talked about the corrective action of this. That is what I wanted to hear, and we didn't hear it.

Councilmember Menchel noted that he has contacted the Auditor General of Florida, and they have expressed their willingness to perform an audit. He stated that the main purpose of an audit is not to prove guilt. It does not mean somebody has done anything wrong. But it could just as easily prove innocence. They have so many things wrong with one contract; and so, they just need to know if there were anything wrong with the others. He also noted that he has spoken with Representative Ponder about this issue. He learned that if they ask the Auditor General directly for the audit, it will cost the City money. However, if a State Representative requests it, the State absorbs the cost.

Councilmember Menchel moved to direct the City Manager to send a letter to Representative Ponder asking his assistance with the coordination with the Auditor General to conduct an audit of the City of Destin contracts and Finance Department as soon as it can be scheduled. Councilmember Ramswell provided a second to the motion.

Councilmember Overdier stated that an audit of the City is already being conducted annually.

According to the City Manager, State Statute requires the audit to be performed annually; and that the audit for Fiscal Year 2019 is scheduled to be conducted in December 2019.

Councilmember Overdier asked if the same auditors could investigate the issues Councilmember Menchel had brought up rather than asking the Auditor General to perform an audit.

Councilmember Morgan recommends conveying to the current auditors their areas of concern and asking them to investigate these issues even if it means re-negotiating the current contract due to an increase in scope of work rather than involving the State Auditor General.

The Mayor opined that having the State Audit General perform an audit of the City will not only look good for the City politically; but it would also affect the morale of the staff by not giving them the opportunity to address these concerns in an appropriate manner.

Councilmember Menchel stressed that the issues he brought up have been in existence at least since 2017 and no one is aware they were happening; adding that their checks and balances have failed. He continued that when these problems were initially identified, staff went back and performed some investigations and concluded there were lots of problems. He added they will all be judged on the action they take to correct these problems.

Councilmember Menchel asked why some of the information had been redacted from the first batch of invoices from Advanced Protective Technology (APT).

Mr. Burgess explained that the invoices in question were from the sub-contractors to APT. APT has been through several sub-contractors during the course of their contract with the City. When they spoke with APT about the redactions, they were told by APT that they did not want to reveal what they were paying their sub-contractors.

Councilmember Braden agrees with Councilmember Menchel that they need to resolve these issues; adding he does not think their regular auditor is mandated to perform this type of audit. He would prefer to have a separate entity perform the audit and provide a separate opinion.

The City Attorney stated that he and the Land Use Attorney are willing to exercise a certain degree of oversight over an internal audit of the City. They would be representing the City Council and put together a list of any issues from the City Council throughout the course of this audit and present their findings and recommendations to Council at the conclusion of the audit.

Councilmember Ramswell asked who created the chart the Council received a few weeks ago highlighting different information relative to these issues.

Mr. Burgess stated the chart was put together by Deputy Public Works Director Tim Pietenpol who is no longer employed by the City.

Councilmember Ramswell stated there have been multiple situations in the past in which there has been money expended or different questionable situations the City has had to correct; such as repayment of a FEMA benefit, issues with Heritage Park invoices, payment for a public benefit that was part of a development order that was done erroneously, and problems with Waste Management billing collection when it was done in-house. She added she is not putting the blame on anybody because a lot of their staff is new, but they need to correct these mistakes and having a separate audit is a good idea.

Councilmember Menchel noted that these problems have been identified several weeks ago and he has not received an answer to any of his questions, including whether staff knows if there have been any overpayments made to any of their continuing services contracts.

The City Manager noted that during his one-on-one conversation with Councilmember Menchel, they both agreed there have been some overpayments made to contractors, but they do not know how much at this point.

According to Councilmember Menchel, they all need to do their due diligence and take corrective actions to resolve these issues before moving forward with a policy that would avoid these types of problems from reoccurring.

Councilmember Morgan moved to instruct the Land Use Attorney and City Attorney to investigate the City's continuing services contracts for any irregularities and clarify the APT contract; seconded by Councilmember Marler.

Councilmember Destin suggests amending the motion to include the City's attorneys seeking out a third-party auditor.

Councilmember Morgan offered an amended motion to instruct the Land Use Attorney and City Attorney to investigate the City's continuing services contracts for any irregularities and clarify the APT contract; and to have the attorneys seek out a third-party auditor to conduct a forensic audit of the contracts. Councilmember Marler 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 announced he will emcee the Tree Lighting Ceremony on December 5th; and that the annual Mattie Kelly "Sounds of the Season" will be held on December 6th at the Village Baptist Church beginning at 7 PM.

F. Councilmember Destin

G. Councilmember Morgan

Councilmember Morgan announced that Harbor Docks will be hosting their annual Thanksgiving Dinner. They will be feeding the public free of charge from 11:00 AM to 9:00 PM on Thanksgiving Day. They will accept donations for Habitat for Humanity.

H. Mayor Gary Jarvis

I. Land Use Attorney

The Land Use Attorney reported that staff has prepared the initial proposed final RFB package for the Capt. Royal Melvin Heritage Park. She would be reviewing it soon and then it would be forwarded to the Council as soon as it is finalized.

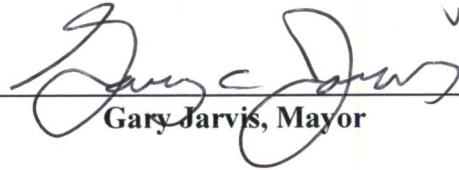
J. City Attorney

8. PUBLIC COMMENTS

Having no further business at this time, the meeting was adjourned at 8:07 PM.

ATTEST:


Rey Bailey, City Clerk


Gary Jarvis, Mayor

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME MARLER CYRON EUGENE		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE DESTIN CITY COUNCIL	
MAILING ADDRESS 528 KELLY STREET		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY DESTIN	COUNTY OKALOOSA	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 11-18-19		NAME OF POLITICAL SUBDIVISION: N/A	
		MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CYRON EUGENE MARLEA, hereby disclose that on NOVEMBER 18, 20 19:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

AGENDA ITEM # 5 C

I AM EMPLOYED BY A COMPANY THAT THE APPLICANT IS A PARTNER IN!
HARBORWALK VILLAGE / GENERAL GRAND # 10 HARBOR BLVD. DESTIN, FLORIDA 32541

11-18-19
Date Filed

Cyron Eugene Marlea
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.